

# Current History

A WORLD AFFAIRS MONTHLY

JUNE, 1974

## THE AMERICAN PRESIDENCY

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# Current History

JUNE, 1974

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*Should our political system be reformed? What have we learned from Watergate and how can we minimize political corruption? These are some of the questions considered in our three-issue symposium on the American political system. In the first issue on the American presidency, our introductory article states that "... there are many similarities between the presidency before 1933 and the modern presidency. . . . In foreign and domestic affairs, both the presidency before 1933 and the modern presidency have yet to strike an effective constitutional balance."*

## The Evolution of the Presidency: 1789-1932

BY RICHARD M. PIOUS

*Assistant Professor of Political Science, Barnard College*

THE FRAMERS OF THE CONSTITUTION provided for a government of separate institutions which would share in, and compete for, political power. It was not clear which institution—the Congress or the presidency—would assume the leading role in policy making or administration: patterns of government could involve congressional or presidential supremacy. Prior to the vast expansion of presidential power in the New Deal period (after 1933), there was no steady, inexorable advance toward presidential government. Rather, the presidency waxed and waned in power and influence; the period was characterized by *cycles* in which presidential government and congressional government alternated.<sup>1</sup>

Before 1933, with very few exceptions, Presidents were not leaders of the people. In the early days of the Republic, members of the electoral college were not pledged to vote for any specific presidential candidate, and in some states (until 1832) electors were

chosen by the state legislature rather than by popular vote. It was not until the 1830's that popular voting for pledged electors linked the presidential nominees directly with the electorate.

There was a more important defect in the nominating process. The unrepresentative system of congressional caucus, in which nominations for the presidency were made by party members in Congress, was replaced in the 1830's by the also unrepresentative system of national nominating conventions. Narrow cliques of state and local party professionals, under the direction of "bosses," brokered the nominations in return for patronage and other considerations. The popular primary was unknown until the Progressive Era at the turn of the century.

Party nominees were chosen by local and state party professionals, and the nominee was expected to "do business" with his supporters after the election. Nominees were chosen for their reliability rather than their leadership qualities or their ability to mobilize a popular electorate through the force of their personality or their stand on important issues. In any event, the suffrage was narrow in the nineteenth and early twentieth centuries. In almost all states, women could not vote until 1920; youths under 21 years of age were ineligible; and blacks, except for a brief period of time between the Civil War and the turn of the nineteenth century, were disenfranchised. So the

<sup>1</sup> The following are the most useful sources for further study: Edward S. Corwin, *The President: Office and Powers*, 4th ed., rev. (New York: New York University Press, 1957); Carl Swisher, *American Constitutional Development*, 2d ed. (Boston: Houghton Mifflin Co., 1954); Wilfred Binkley, *President and Congress*, 3d rev. ed. (New York: Vintage Books, 1962); Leonard White, *The Federalists, The Jeffersonians, The Jacksonians, The Republican Era*, in 4 vols. (New York: The Free Press, 1948, 1951, 1954, 1958).

President, neither nominated nor elected as part of a mass popular mobilization, represented the choice of professional politicians, a choice then ratified by the vote of not more than 10 percent of the population. This was true even in the case of the "strong" Presidents of the period, as the following table indicates:

President	Year	Vote as Percent of Free Population
Andrew Jackson	1828	6.3
Andrew Jackson	1832	5.8
Abraham Lincoln	1860	6.8
Abraham Lincoln	1864	6.3
Grover Cleveland	1884	8.8
Grover Cleveland	1892	8.5
Theodore Roosevelt	1904	9.3
Woodrow Wilson	1912	6.6
Woodrow Wilson	1916	8.9

Because Presidents were not chosen for their popular appeal, and because modern technology was unavailable, the candidate did not communicate directly with the electorate. The colorless and dull chief executives of the United States did not create a "national agenda" for the American public until Theodore Roosevelt used the presidency as a "bully pulpit" to bring issues like conservation and trusts to the people. But Roosevelt was the great exception. Before 1933, most Presidents, of whatever party, followed the Whig doctrine on presidential power: a President could not represent the popular impulse as well as the Congress, and a wise President would follow rather than lead Congress on issues of public concern.

#### THE FAILURE OF PARTY GOVERNMENT

The weakness of the President as a popular leader was compounded by his failure as a party leader. George Washington refused to recognize the parties forming in his administration and attempted to keep the presidency nonpartisan. Eventually, he permitted Alexander Hamilton, his Secretary of the Treasury, to organize the Federalists in support of the administration. Hamilton used his influence to secure support in Congress for Washington, but it was Hamilton, rather than Washington, who became party leader. When John Adams became President, it was Hamilton, then a private citizen, who continued to lead the Federalists, demonstrating the weakness of the President as party leader.

Thomas Jefferson conclusively proved that a President who tried to control his party in Congress could not succeed. Jefferson and James Madison were the founders of the anti-Federalist party, the Democratic-Republicans, and when Jefferson became President it was assumed that he could dominate the congressional members of the party. At first Jefferson did control the party. Party followers in Congress were orga-

nized into a caucus which followed Jefferson's leadership; the caucus became a vehicle for Jefferson's legislative program; and the leaders in Congress were picked by the administration. Thus Jefferson's control of the party caucus enabled him to dominate Congress and promote his policies during his first term.

In his second term, he failed to control Congress. Aaron Burr, his former Vice President, attempted a revolution among settlers on the Mississippi, was brought back to stand trial, and was acquitted. After the trial, Congress refused to pass Jefferson's bill defining treason, thus rebuffing the administration. Jefferson's attempt to intimidate Federalist judges failed when members of his own party in the Senate refused to convict a Federalist judge who had been impeached by the House. The party leadership, and the congressional caucus, also asserted their independence by refusing to advance Jefferson's legislative program. Finally, Jefferson's embargo policy, the cornerstone of his foreign policy toward Europe during the Napoleonic Wars, was repealed by his own party just before he left office.

The experience of the first three Presidents of the United States demonstrated that the President could not dominate Congress through party organization. The President assumed the position of titular rather than functioning leader of the legislative party, and congressmen felt free to ignore the administration's legislative requests. Because Presidents could not lead popular opinion, few congressmen feared electoral reprisals for ignoring administration requests. Because the President did not control party organization at the local or state level, few congressmen or senators worried about being denied a party nomination for opposing the President. Far from controlling the legislative branch, most early Presidents were busy defending their prerogatives in the executive branch from congressional interference.

#### EXECUTIVE POWERS

The framers of the constitution vested "the executive power" in the presidency, and rejected the notion that a council of state would share in the direction of the administration. Before 1933, with a few Whig exceptions, most Presidents refused to share their supervisory powers with the informal "Cabinets" they created out of the principal officers of the executive departments. They interpreted their power to "require the Opinion, in writing" of the principal executive officers to mean that they alone could supervise the administration. This interpretation—that the President was to be the chief executive—was opposed both by Cabinet officials and by congressional leaders, each of whom claimed supervisory power over the administration.

Within the executive branch, the concept of the



“collective Cabinet” challenged the President’s power. In the administrations of Madison, Monroe, and John Quincy Adams some of the most influential party leaders were members of the Cabinet, and the practice of significant consultation on major policy issues was established. When John Tyler became President in 1841 after the death of William H. Harrison, the Cabinet demanded that decisions be taken by majority vote. Tyler refused to share his powers, thus preserving the inviolability of executive power. Similarly, Lincoln withstood challenges from his energetic secretaries during the Civil War, as did Andrew Johnson when he succeeded to the office. (In the modern presidency, the problem has been resolved through the appointment to the Cabinet of administrators rather than influential party leaders, the establishment of policy councils to compete with the Cabinet, and the intermittent convening of the Cabinet.)

Congress attempted to administer the departments through the exercise of its own formal and informal powers. The Senate, for example, must “advise and consent” to the important appointments made by the President, and the Senate often successfully attached conditions to its consent which removed policy-making discretion from the President or his appointee. In addition, all Presidents before 1933 gave away some of their appointing powers to congressmen representing state and local party leaders or special interest groups. Even Cabinet secretaries were often foisted upon the President as a result of the broker politics of national nominating conventions. The nineteenth century established the tradition that staffing the administration—from top to bottom—was a complex process in which party leaders, congressional leaders, and interest group representatives all bargained for their protégés; appointees would therefore be expected to function within the administration in accordance with the wishes of the constituencies that successfully promoted their appointments.

Presidents were more successful in asserting their power to remove officials in the executive branch. The constitution is silent on the power of removal, which led to the following interpretations:

- (1) The President has the sole power of removal;
- (2) Since the Senate shares in the appointing power, it must consent to the removal of an official;
- (3) Congress has the power to legislate a removal procedure for officials appointed by the President and confirmed by the Senate;
- (4) Since no removal power is mentioned, executive officials serve on good behavior unless impeached and convicted.

The first Congress of the United States, in 1789, accepted Madison’s interpretation that the President must have the sole power of removal in order to control his administration. Subsequent Congresses rejected that interpretation. In 1867, Congress passed a Tenure of Office Act which provided that, if the President removed an official, he would continue to hold office until the Senate confirmed a new nominee—in effect giving the Senate the power to confirm or reject the removal of an executive official. The impeachment and subsequent acquittal of Andrew Johnson involved the application of this act. In Ulysses Grant’s administration, most of the provisions of the act were repealed, and the act was finally fully repealed in 1886 during the Grover Cleveland administration.

Later, however, because of the establishment of independent regulatory agencies, quasi-public corporations, and the intergovernmental grant system, many regulatory and administrative functions were carried out by officials not subject to the removal power of the President. While Congress was unable to assert its own removal powers, it effectively limited the reach of the President’s powers.

### CONGRESSIONAL GOVERNMENT

Congress was often successful in subverting the relationship between the President and his Cabinet secretaries, so that at times a system of congressional control of administration replaced the system of presidential control of administration. At the heart of “congressional government” was the relationship between Cabinet members and congressional leaders. The secretaries bypassed the White House to deal directly with Congress, and the President had no advance notice or clearance of departmental requests for legislation or appropriations. Congressional leaders, at hearings and informally, made suggestions about policies to the secretaries. In addition, they wrote detailed statutes and “riders” on appropriations measures which specified how policies were to be carried out. Finally, the duties of the secretaries and their subordinates could be written into legislation, and the authority to act independently of the presidency could be put into legislation. As Woodrow Wilson summed up the situation in 1885 in his classic study, *Congressional Government*:

In the actual control of affairs no one can do very much without gaining the ears of the Committees . . . the Secretaries, as a matter of fact, find themselves bound in all things larger than routine details by laws which have been made for them and which they have no legitimate means of modifying.

Of course the Secretaries are in the leading strings of statutes, and all their duties look toward a strict obedience to Congress. Congress made them and can unmake them. It is to Congress that they must render account for the conduct of administration.<sup>2</sup>

<sup>2</sup> Woodrow Wilson, *Congressional Government* (New York: The World Publishing Co., 1956), pp. 174–5.

Congressional government operated either under a system of decentralized and autonomous committees, each with its own specific jurisdiction, or under a more centralized leadership system involving party leadership over the caucuses. But whichever method Congress chose, the congressional domination of the departmental structure remained in effect; it was challenged successfully only by Theodore Roosevelt and Woodrow Wilson.

Congressional control of administration fragmented policy making among many committees with overlapping jurisdictions. The lack of a centralized party mechanism separated the President from the congressional leaders; it also divided these leaders from one another. There were conflicts between caucus leaders and committee chairmen, between House and Senate committees (especially when different parties controlled these chambers), and between substantive and appropriations committees. Instead of coherent policy making, the congressional system resulted in stalemate, or logrolling and brokered politics.

But even in the period of congressional government, there were signs that the President could regain control of the executive branch. Jackson dominated his administration and forced the Treasury Department to obey his orders. Cleveland secured the repeal of the Tenure of Office Act. Rutherford Hayes vetoed appropriations bills containing "riders." Theodore Roosevelt dramatized conservation and gained control over parts of the bureaucracy in charge of natural resources. Most significantly, during World War I, Congress gave Woodrow Wilson extensive authority to reorganize the executive branch and to manage the economy. Finally, in 1921, the Budget and Accounting Act created a Bureau of the Budget within the Treasury Department to coordinate departmental budget requests. This was the beginning of the budgetary clearance process and the preparation of a federal budget. Yet, in 1933, when Franklin Roosevelt became President, there was no White House staff, no advisory agencies in an Executive Office, and no staff agencies such as the Office of Management and Budget to monitor the performance of the executive branch.

### DOMESTIC POLICY MAKING

In this period, Congress, rather than the President, took the initiative in crucial domestic issues: the tariff, banking and currency, slavery and sectionalism, control of commerce and manufacture, and taxation. These issues were at times influenced, but almost never controlled, by the executive branch.

The great compromises that preserved the Union (1820, 1850, 1854) were hammered out entirely by congressional leaders like Henry Clay, John Calhoun, and Daniel Webster, with Presidents either standing aloof or fruitlessly suggesting modifications of the

deals. The Presidents neither devised acceptable methods to preserve the Union, nor did they play important roles in the events leading to secession. While Abraham Lincoln successfully asserted emergency prerogatives as a wartime leader, Reconstruction policies were developed in Congress rather than in the executive branch. And when national policies moved from aid to the freedmen to the great betrayal, again Congress rather than the President determined the national priorities.

Similarly, policies on commerce and manufactures were shared by the Supreme Court and Congress in order to limit and weaken any impulse toward the national regulation of economic life. It was the failure of Theodore Roosevelt and William Howard Taft to gain meaningful legislation to regulate corporations that led them to develop the "antitrust" tactics which relied on lawsuits. Before 1933, Presidents failed conspicuously in their attempts to regulate the economy in the public interest.

Before 1933, the President's most important power over domestic affairs was the veto: "strong" Presidents were those who were "nay-sayers." Jackson, for example, was considered a strong President not because of his positive achievements, but because he vetoed the rechartering of the Bank of the United States, and successfully opposed programs of internal improvements, scientific exploration, and the establishment of a national university and a national observatory. Similarly, Tyler was a "strong" President because, as a Democrat, he successfully opposed a bank bill passed by the Whig Congress. Hayes used the veto power against "riders" which would have interfered with his administrative powers. Finally, Cleveland vetoed pension acts favored by veterans' organizations, bills for the relief of farmers hit by drought in the southwest, and other measures distributing benefits from public funds.

Nineteenth century Presidents influenced policy not in terms of legislation which they proposed, but rather in negotiations with congressional leaders on the terms which would enable them to sign bills rather than to veto them. Only in the early twentieth century, in the administrations of Theodore Roosevelt and Woodrow Wilson was major legislation initiated in the executive branch—a concept based on the precedents established by Hamilton and Jefferson.

While nineteenth century Presidents had few legislative accomplishments, they achieved considerable success in certain policy areas. In particular, the role of Presidents in maintaining domestic order, promoting continental expansion, and fostering American participation in the international economy should be emphasized.

### DOMESTIC ORDER

The framers of the constitution expected the Pres-

ident to be the chief instrument in maintaining domestic order. As commander-in-chief, he could call the state militia into service, and he was charged with seeing that the laws be faithfully executed. George Washington used these powers fully in crushing a rebellion of farmers in western Pennsylvania who resisted paying the excise tax Hamilton had imposed on whiskey. John Adams also raised a force to end a tax rebellion in 1798, and named George Washington "commander-in-chief" to deal with the rebellion. When Andrew Jackson was faced with a "nullification" proclamation by South Carolina, protesting against the Tariff Acts of 1828 and 1832, he warned the state, in the "Proclamation on Nullification," of the consequences of resistance. With a new tariff, the crisis was resolved. In 1842, Tyler sent his Secretary of War to Rhode Island as an observer of a civil war; his support of the victorious side ended the rebellion without resort to federal troops.

The Civil War provided the greatest challenge to the presidency in this period. Confronted with secession, Abraham Lincoln acted unilaterally to set the nation at war. He raised a "posse" to enforce the laws, called for the state militia, instituted a draft, suspended the writ of habeas corpus, sent spies to the South, ordered a blockade of Southern ports, and spent funds without congressional appropriation. After taking these steps, he called Congress into special session to ratify his acts.

Lincoln acted on the basis of "emergency prerogative" rather than under the system of checks and balances. He developed the notion of "war powers" based on his oath to uphold the constitution, on his duty to see that the laws were faithfully executed, and on his powers as commander-in-chief. Although Lincoln's assertions of powers were remarkable, few of his actions established peacetime precedents. His successor, Andrew Johnson, was impeached and nearly convicted for defying congressional control, and subsequent Republican Presidents did little to challenge the peacetime supremacy of Congress.

A more realistic view of the use of presidential power to maintain domestic order comes from studying nineteenth century labor disputes. In this era, most Presidents distinguished themselves by intervening on behalf of management and against labor, in effect acting as the agents of one side in industrial warfare. Rutherford Hayes broke the West Virginia miners' strike in 1877; Grover Cleveland used troops and federal court injunctions to break the Pullman strike in 1894, and miners' strikes were broken by William McKinley in 1899 in Idaho, by Woodrow Wilson in 1913 in Colorado, and by Warren Harding in 1921 in West Virginia. Theodore Roosevelt attempted genuine mediation between labor and management (in the anthracite coal strike of 1902), but it was not until the New Deal that effective mediation

machinery was developed to put an end to industrial warfare.

In the nineteenth century, the Presidents' use of troops within the states to intervene in labor disputes contrasts with their unwillingness to order troops to the South to protect the civil and constitutional rights of black Americans. After Hayes withdrew the last federal forces at the end of Reconstruction, "peace" in the South was maintained at the expense of blacks. Nineteenth century Presidents did nothing to achieve legislation enabling them to protect American blacks against terror and intimidation, disenfranchisement, and the reinstitution of segregation in the Southern states.

### **TERRITORIAL EXPANSION**

Nineteenth century Presidents achieved their greatest success in acquiring additional territory for the United States. The initiative, the maneuvering, and the use of force were all presidential prerogatives. Congress played a secondary role, either when the Senate was required to ratify a treaty, or when Congress was asked to appropriate funds for a purchase.

Thomas Jefferson began the process of territorial expansion with the Louisiana Purchase. Although in theory he was a strict constructionist of the constitution, Jefferson decided to purchase Louisiana from France even without clear constitutional authority to proceed. The Senate ratified his treaty with France and Congress provided the funds, thus settling the constitutional issues.

Tyler maneuvered to secure the acquisition of Texas. He not only had to face down the British and the Mexicans, both of whom opposed annexation, but he also had to defeat his opponents in the Senate who had defeated a proposed treaty between the United States and Texas. He successfully gained the acquisition of Texas by using a congressional resolution, and his agents worked at the Texas convention for a favorable decision. Tyler's successor, James Polk, subsequently promoted an aggressive war with Mexico over a boundary dispute with Texas in order to expand the United States by adding Mexican territory in the Far West. Polk maneuvered American troops on disputed territory, ordered the blockade of a Mexican town, and used the resulting military engagement as an excuse to call for a declaration of war. In this action the Democratic President faced fierce Whig

*(Continued on page 271)*

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Richard M. Pious, a frequent contributor to *Current History*, has also contributed to *Politics and Society*, the *Wisconsin Law Review*, the *Journal of International Affairs*, and *Political Science Quarterly*. He is the editor of *Civil Rights and Liberties in the 1970's* (New York: Random House, 1973), and is currently writing a book on the American presidency.

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*"One can argue that it is necessary in times of crises in the nation's history for the President to exercise bold and extraordinary powers that should not be available to him in ordinary times. . . . Extraordinary emergency powers [must be available] only when the times demand it."*

## Franklin D. Roosevelt and the Expansion of Presidential Power

BY GEORGE H. SKAU

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THE PERIOD FROM 1933 to 1945 saw a greater expansion of presidential power than any comparable period of American history. During this time, the United States faced one of its gravest domestic crises—the Great Depression—and fought in the most extensive war in modern history—the Second World War.

The man who was elected to the White House in 1932 and would be elected to the presidency for an unprecedented four terms was Franklin D. Roosevelt. It was Roosevelt's personality, perhaps as much as any other factor, that determined his view and use of the presidential office. He had an enthusiastic, self-confident and outgoing personality, which has been perceived in different ways by historians and political scientists. One noted political scientist portrays Franklin Roosevelt as an energetic, flexible man of action who related well to his environment and who enjoyed the use of presidential power. Indeed, he declared, Roosevelt is the paradigm of presidential character.<sup>1</sup> But to a more critical intellectual historian, Roosevelt "did not have the substance, the wisdom, for great leadership. He never did. But he had the form and in 1932 the form seemed more important than the substance."<sup>2</sup>

Roosevelt recognized the American presidency as a place of moral leadership and he displayed an admiration for activist Presidents like Andrew Jackson, Abraham Lincoln, Theodore Roosevelt and Woodrow Wilson. When Ray Stannard Baker, Wil-

son's authorized biographer, wrote to Franklin Roosevelt urging him to appeal to the moral convictions of the American people, Roosevelt replied:

Theodore Roosevelt lacked Woodrow Wilson's appeal to the fundamental and failed to stir, as Wilson did, the truly profound moral and social convictions. Wilson, on the other hand, failed where Theodore Roosevelt succeeded in stirring people to enthusiasm over specific individual events, even though these specific events may have been superficial in comparison with the fundamental.<sup>3</sup>

Franklin Roosevelt came to personify the activist American President. He described the American government as a living organism rather than a machine, and when he took office he was ready to take bold measures in addressing the major problems facing the nation. In his first inaugural address of 1933, President Roosevelt stated:

It is to be hoped that the normal balance of Executive and Legislative authority may be wholly adequate to meet the unprecedented task before us. . . . I am prepared under my Constitutional duty to recommend the measures that a stricken nation in the midst of a stricken world may require. . . . But in the event that the Congress shall fail to take one of these two courses, and in the event that the national emergency is still critical, I shall not evade the clear course of duty that will then confront me. I shall ask the Congress for the one remaining instrument to meet the crisis—broad Executive Power to wage a war against the emergency, as great as the power that would be given to me if we were in fact invaded by a foreign foe.<sup>4</sup>

Upon taking the oath of office on March 4, 1933, Franklin Roosevelt initiated many actions to meet the economic emergency, actions which became known collectively as the New Deal. Roosevelt, himself paralyzed, could empathize with disillusioned Americans who were unemployed and starving. In order to communicate in rather simple terms to the American people, Roosevelt successfully introduced the "fireside chats." In homey radio-broadcast conversations that

<sup>1</sup> James David Barber, *The Presidential Character: Predicting Performance in the White House* (Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1972).

<sup>2</sup> Paul K. Conkin, *The New Deal* (New York: Thomas Y. Crowell Company, 1967), p. 21.

<sup>3</sup> Elliot Roosevelt (ed.), *F.D.R., His Personal Letters*, vol. 3 (New York: Duell, Sloan & Pearce, 1950), pp. 466–467.

<sup>4</sup> Basil Rauch (ed.), *Franklin D. Roosevelt: Selected Speeches, Messages, Press Conferences, and Letters* (New York: Holt, Rinehart and Winston, 1960), p. 94.



the ordinary citizen could understand; Roosevelt described his remedies for the problems facing America. He also helped to shape public opinion by holding press conferences twice a week in the Oval Office of the White House. The President built a strong bond between himself and the people.

Both the nation and Congress asked Roosevelt to initiate action during these troubled times. Under different circumstances and other Presidents, Congress had proved to be an obstacle to presidentially proposed legislation. But given the severity of the crisis facing the nation, Congress was responsive to almost any legislation that the White House proposed during what has become known in American history as the Hundred Days. Roosevelt's able Brain Trust and his advisers drew up the legislation; Congress responded by passing most of the President's proposals. Roosevelt quickly established himself in the role of chief legislator.

The New Deal was experimental in nature. Roosevelt's basic approach was to initiate programs, to see if they worked and would provide the remedy for the nation's economic problems. During the Hundred Days, the Roosevelt administration sponsored legislation dealing with monetary, fiscal, business, labor, agriculture and relief reforms. The federal government, for the first time on such a grand scale, addressed itself to the major social and economic ills facing the country. In contrast to Herbert Hoover, who believed in limited presidential authority and limited federal power, Roosevelt believed that the federal government should be a positive agency of recovery and reform and that the executive branch could act strongly in an economic emergency. Federal agencies were created to administer the growing bureaucracy. The power of the executive branch expanded vastly with the implementation of these various agencies. Federal relief programs helped to ameliorate the economic crisis within the country by putting people to work. Some of the New Deal programs had mixed results; the National Recovery Administration and the Agricultural Adjustment Administration were eventually declared unconstitutional. While unemployment was significantly reduced, it was still running rather high at the end of Roosevelt's first term. The policies of the New Deal were not a prescription for instant economic recovery; nonetheless they did restore, in large measure, the hope and faith of the American people in the American economy and the American political system. In no small measure, the dramatic and optimistic personality of Franklin Roosevelt was a significant factor in this restoration of confidence during the mid 1930's.

When he campaigned for reelection in 1936, Roosevelt pointed to a long list of accomplishments and the American people responded by giving him the greatest political landslide accorded to a presidential

candidate up to that time. The Roosevelt coalition that was created as a result of the election of 1936 was helpful to Democratic candidates for decades to come. That coalition was mainly composed of the Democratic South, organized labor, intellectuals, blacks and other ethnic groups. With very large Democratic majorities, Congress was under the President's control.

The remaining obstacle to the success of the New Deal programs was the Supreme Court. The Supreme Court had declared some of the major New Deal legislation unconstitutional, because such legislation represented an unconstitutional extension of federal power into fields reserved for state action, and an unconstitutional expansion of executive power. Roosevelt was also frustrated because during his entire first term he had been unable to make any appointments to the Supreme Court. Recently passed New Deal legislation, like the Wagner Act, was being challenged in the courts. The overly confident President decided to enlarge (pack) the Court in order to insure favorable decisions. Roosevelt was trying to circumvent the principle of separation of powers when he tried to bring the Supreme Court within the presidential orbit.

In his plan, Roosevelt proposed to enlarge the Court to a maximum of 15 justices; this would allow him to appoint justices more favorable to New Deal legislation. The President, who usually had an uncanny sense of timing and anticipated many problems before they occurred, seems to have underestimated the reaction of the American people and the Congress of the United States to his plan. He surprised many of his closest advisers, and the Democratic leaders in Congress, with this ill-conceived project. In any case, his attempt to bring the Supreme Court into the presidential orbit was unsuccessful. There was an outcry of public opinion, and Democrats in Congress took the initiative against their own leader. The restraints within the American constitutional system had been tested and presidential power had been checked. Later, it is true, the Supreme Court acted more favorably on New Deal legislation, but the court-packing episode was costly for Franklin Roosevelt. He had lost the backing of some conservative Democrats and some of the American people. The opposition that rose from his proposed reorganization of the Court would reappear when Roosevelt was dealing with American foreign policy issues in the late 1930's.

Roosevelt suffered another setback in the congressional elections of 1938 when he tried to purge members of the Democratic party who were critical of some of the New Deal policies. This attempt on the part of the President to interfere in congressional elections demonstrated that he could not transfer his own popularity to specific candidates running for Congress.

The Reorganization Act of 1939 was a very important step in the institutionalization of the presidency.

It set up an Executive Office staffed with administrative assistants and permitted the shifting of the Bureau of the Budget to the White House. This act allowed more power to gravitate to the White House.

In foreign policy, Franklin Roosevelt expanded the President's role as Commander-in-Chief and chief diplomat. During his first administration, Roosevelt was focusing his attention on domestic affairs, yet foreign policy issues demanded his attention as the threat of war in Europe intensified. In 1935, Congress passed a Neutrality Act. The impact of this Neutrality Act and other legislation passed in 1936 and 1937 made it apparent that the United States did not want to intervene in foreign crises or conflicts. Public opinion polls taken at this time indicated that many of the American people thought it a mistake that the United States had intervened in World War I. Hitler's Nazi Germany and Mussolini's fascist Italy were threatening European security. Yet when Roosevelt tested public opinion in his Quarantine speech delivered on October 5, 1937, in Chicago, he received a very mixed reaction. It was clear that the American people wanted to stay out of another European conflict. To Roosevelt, however, it was equally clear that fascism and nazism could not be allowed to expand. At the same time, he did not want the United States to become involved in a war. When war did break out in Europe in September, 1939, Roosevelt believed that the United States had a special obligation to Great Britain and France and he urged legislation to revise the Neutrality Acts so that the United States could aid the Western democracies.

In 1940, while the Battle of Britain was being waged, Roosevelt entered into an agreement with Winston Churchill whereby the United States provided 50 over-age destroyers to Great Britain in exchange for naval bases in the Western Hemisphere. Rather than asking for congressional approval and risking congressional debate, Roosevelt had circumvented Congress by negotiating this executive agreement with the British. This bold expansion of presidential power, defended by Roosevelt's Attorney General as a legitimate interpretation of the President's power as Commander-in-Chief, was only the beginning of his aggrandizement of presidential prerogatives as Commander-in-Chief before and during World War II. During the war, more attention was given to the substance of policies adopted by the President than to the constitutionality of those policies.

With the Western Allies prostrate before Hitler's armies, Roosevelt was summoned by the Democratic party to run for a third term. Roosevelt became the first President elected for a third term. To many, this seemed a violation of an unwritten principle established by George Washington and reinforced by Thomas Jefferson and his successors. In seeking a

third term, Roosevelt declared that in ordinary times he would have retired to Hyde Park, but that in view of the world crisis, he would be available for another term as President in the best interest of the country. During the campaign of 1940, in response to a campaign speech made by his Republican opponent, Wendell Willkie, Roosevelt promised that he would not send American boys to fight in a foreign war. When his speech writers pointed out the difficulty of guaranteeing that pledge, Roosevelt replied that if the United States were attacked, it would no longer be a foreign war. Later, his critics did not let him forget what they regarded as his broken promise.

Events leading up to the Japanese attack on Pearl Harbor on December 7, 1941, led Roosevelt to exercise wide powers as Commander-in-Chief before American entry into World War II. He helped push Lend-Lease legislation—which gave the President discretionary powers—through a Congress that was still basically isolationist. He issued executive orders which allowed American troops to go to Greenland and Iceland. On one occasion he told the American people that he did not send convoys into the North Atlantic; he sent patrols. Actually, this was a misleading semantic rather than a substantive difference. Roosevelt had created his own credibility gap. Step by step, he took actions which led the United States into a "shooting war" with Germany.

After the Japanese attacked at Pearl Harbor, the United States entered the war, and the nation's resources were geared to a war economy. War mobilization necessitated the establishment of many war-time agencies like the Office of Price Administration. During the war years, the arms of the federal government, particularly the executive branch, played an important role in controlling the economy. During wars, the American people were accustomed to making sacrifices and granting unusual discretionary power to the Chief Executive.

Roosevelt exercised this power to strengthen the American economy while winning the war abroad. In 1942, when Congress ignored his appeal for repeal of a farm subsidy which the President felt would be inflationary, Roosevelt boldly asserted:

In the event that Congress should fail to act, and act adequately, I shall accept the responsibility and I will act. . . . The President has the powers, under the Con-  
(Continued on page 274)

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*"Today, as seldom before, the Presidency has provoked attack as an office that is too powerful, particularly in war-making."*

## The Presidency Today

BY LOUIS W. KOENIG

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IN THE ERA since World War II, the American presidential office has undergone more sweeping and embracing transformations than ever before in history. Interpreting their powers boldly, American postwar Presidents have achieved autonomy on a scale unprecedented in foreign affairs, in deciding questions of war and peace, and in deploying a military establishment of nuclear and conventional forces. Domestically, since World War II, every President has been engrossed in problems stemming from the nation's movement away from an older, declining rural framework toward a predominately urban-suburban culture, as well as in problems rising out of heightened awareness of the deprivations and rights of racial minorities.

By any of the usual criteria, the Presidents of the postwar era have not enjoyed political good fortune, despite the aggrandizements of the office. Of the five Presidents of this era, from Harry Truman to Richard Nixon, two declined to run again because of unpopular wars, one was assassinated, and another faced the possibility of impeachment.

In foreign affairs, the most controversial domain of the contemporary presidency, the Chief Executive has assisted European recovery from the devastation of World War II and has faced the formidable power of the Soviet Union, the emerging power of Communist China, and such lesser Communist powers as North Korea, North Vietnam, and Cuba. The President has fought wars and has undertaken daring diplomatic initiatives—witness President Nixon's visit to Peking and the opening of relations with Communist China.

In the new age of the United States as a superpower, Presidents have pursued some foreign policies by traditional processes of the constitution. Accordingly, Harry Truman developed the Marshall Plan for the rebuilding of Europe by securing authorizing legislation and appropriations from Congress, asking the Senate to approve key appointments. As the

plan was implemented and appropriations were solicited annually, executive performance was held accountable in legislative review. To protect West Europe against Soviet military assertion, the North Atlantic Treaty Organization (NATO) was established under the leadership of Truman and the ranking Republican of the Senate Foreign Relations Committee, Michigan's Arthur Vandenberg. NATO and President John F. Kennedy's nuclear test ban treaty of 1963 were among the treaties that required the Senate's advice and consent as provided for in the constitution. To help secure approval of the test ban treaty, Kennedy dispatched a letter to the Senate pledging various assurances necessary to gain the chamber's approval, including the assurance that the treaty would never be amended simply by executive action, but only by treaty procedure.

In contrast to the President's actions in consulting with and securing Congress's approval are the actions he takes as an autonomous Chief Executive who makes vital foreign policy decisions independently, for which he claims authority conferred directly by the constitution. Some of these decisions are made in secrecy, without the knowledge and influence of Congress and the people. Far-reaching decisions follow this pattern. Thus Truman ordered the use of the atomic bomb against Japan in 1945 and dispatched American forces into combat to thwart North Korea's invasion of South Korea in 1950. With similar autonomy, John Kennedy sanctioned the abortive Cuban Bay of Pigs invasion of 1961 and successfully managed the 1962 Cuban missile crisis, the initial nuclear confrontation between the United States and the Soviet Union. In waging and escalating war in Indochina, Presidents typically cited their authority as commanders-in-chief as legal justification in the absence of a congressional declaration of war. Hence when President Nixon ordered the invasion of Cambodia in 1970, his legal advisers justified it as "a valid exercise of his constitutional authority as



Commander-in-Chief to secure the safety of American forces."

In all such undertakings, Congress's influence and participation have been marginal. In justifying his Korean actions, President Truman cited obligations under the United Nations Charter approved by the Senate. John Kennedy, in the missile crisis, apprised key legislators just before imposing his blockade, and rejected all dissent. In the Gulf of Tonkin resolution, which, critics contend, was based upon executive misrepresentations, Congress granted the President "blank check" approval to conduct a war in Vietnam. Throughout that lengthy war, Congress provided appropriations, themselves an annual affirmation of the war, until 1973, when it halted funding of American combat in Cambodia.

Measured against the usual standards of democratic accountability, the worst transgressions of an American President were committed when President Nixon ordered secret B-52 bomber raids in Cambodia, commencing in 1969. His action was not disclosed publicly until 1973, in the course of congressional investigation. Falsified Defense Department reports, misleading official statements, and wiretaps on national security employees helped preserve the secrecy of the more than 3,000 raids.

In a move to curb future presidential wars, Congress adopted the War Powers Act of 1973, enabling the legislature to halt American involvement in such wars after the President initiated them. The act has been criticized because it appears to grant the President blanket legislative approval to commence wars on his own decision in the future; critics also cite ambiguities that may bear the seeds of future constitutional crisis.

The autonomous presidency has also been a force for peace. Through negotiations by his national security assistant, Henry Kissinger, President Nixon extricated American forces from the Vietnam war, a feat that eluded his predecessors. He also utilized summit conferences to reduce tensions with the Communist powers. He visited Communist China and opened relations that had been suspended for a quarter of a century. With the Soviet Union, in summit meetings and policy initiatives, President Nixon replaced the long prevailing cold war atmosphere with the mood of détente, the fruits of which include the 1972 executive agreements with the U.S.S.R. limiting strategic arms, regulating the competition for offensive nuclear weapons and virtually eliminating defensive nuclear weapons, as steps toward general strategic arms negotiation. The once uninhibited nuclear arms race is now regulated. During the Middle East war of 1973, President Nixon and Secretary of State Kissinger provided good offices that eventuated in a cease-fire.

Since World War II, decision making in national

security affairs has become increasingly centralized in the executive branch, enhancing the President's influence and impact. The National Security Act of 1947 replaced the traditional system of separate and independent branches of the armed services with a single department. The new department became centralized rapidly in the John Kennedy-Lyndon Johnson era, when Defense Secretary Robert McNamara introduced new budgetary techniques and cost-benefit analysis, through which power flowed away from the services to the Secretary, and in turn enhanced the authority of his superior, the President. Critics of the Vietnam war contend that the Defense Department's centralization reduced the quality of decision making in that war, by making it more difficult to express administrative dissent and to air conflicting opinions at higher executive levels.

Presumably, opposing opinions can be presented in the National Security Council (NSC), created by the National Security Act and placed in the Executive Office of the President. The NSC includes the Defense and State Departments and other agencies, each with distinct functions and perspectives, and therefore with potentially different views that can be asserted in the Chief Executive's presence, since he presides. But, generally, Presidents have not been disposed to use the Council seriously and consistently. Instead, they have enlarged their own authority by expanding the role of the chief support officer for the NSC, the Assistant for National Security Affairs. John Kennedy, Lyndon Johnson, and Richard Nixon all contributed to the trend. In time, their national security assistants, McGeorge Bundy, Walt W. Rostow, and Henry Kissinger, numbered among the most powerful figures in their respective presidencies. Kissinger clearly exceeded the power of the Secretaries of State and Defense. Unlike his predecessors, Kissinger engaged in diplomatic negotiations and operations, and Nixon's reorganization of the NSC extended Kissinger's reach into the bureaucracy and granted him powers of review over the military budget.

The enlargement of the National Security Assistant's power expanded the President's personal power. The arrangement guaranteed that foreign policy and national security policy would bear the President's personal stamp; it reduced the role of his fellow executive participants, the department secretaries and the bureaucracies, all less amenable to control than a White House assistant.

Since World War II, because of the danger of nuclear weapons, Presidents have been moved to keep military decisions increasingly in their own hands so that conventional war will not turn into the dreaded nuclear holocaust. Under law, only the President can give the order to use nuclear weapons. In the Vietnam war, President Johnson personally selected



conventional bomb targets in North Vietnam and made other detailed field decisions. He wanted to manage the war himself and assure its confinement, so that he could avoid incidents that might expand the war by bringing Communist China into the conflict.

Since World War II, for the sake of national security, Presidents have also undertaken or approved acts that affected domestic economic and individual liberties. In the Korean conflict, Truman seized most of the steel mills in the face of a threatened strike, citing, vaguely, "the authority vested in me by the Constitution and laws of the United States." Nonetheless, in *Youngstown Sheet and Tube Co. v. Sawyer* (343 U.S. 579, 1952), the Supreme Court ordered the President and his associates to stay out of the steel mills, holding that in seizing them he had seized the legislative power. Only Congress could have ordered the seizure; the President lacked that power without congressional authorization.

But the domestic pretensions of national security underwent hitherto unimagined expansion in the Nixon presidency when federal agents, including employees of the White House staff, invoked the necessities of national security in burglarizing the office of the psychiatrist of Daniel Ellsberg, who had leaked what became known as *The Pentagon Papers*. The President never renounced these acts, and, in effect, the Nixon presidency seemed to believe that its agents could commit any act, including criminality, not to prosecute a war, but to maintain "national security" in time of peace. The Huston Plan which, in the name of "national security," would scrap the Bill of Rights, was another potential threat to democracy. Fortunately, the plan was halted by objections from the Federal Bureau of Investigation, after the President had approved it.

## PRESIDENT AND CONGRESS

Since World War II, Presidents generally have endeavored to build on the record of Franklin Roosevelt, who used the presidency to initiate legislation and to assure its passage. In foreign affairs in the field of national security, Presidents have enjoyed extraordinary success. Foreign aid, the support of NATO, and the wars in Korea and Vietnam evoked steady support in the form of legislation and ample appropriations until 1973, when Congress finally refused to underwrite further American combat in Cambodia.

In major domestic legislation, congressional response to presidential initiatives has been generally far more skeptical and much slower, except for the interlude between Lyndon Johnson's smashing electoral victory in 1964 and the congressional elections of 1966. In this period, Johnson enjoyed extraordinary Democratic majorities in both houses. He

secured passage of major education and health legislation, which President Truman had first proposed almost two decades earlier.

Yet, despite their checkered success, Presidents since World War II have been expected to provide major proposals for congressional scrutiny in each legislative session, and their agenda has typically included the major public problems of society. Legislation in such fields as civil rights, education, health, and housing is proposed by the President almost every year. The proposals deal with social problems that defy lasting solution and reflect increasingly demanding social expectations. All postwar Presidents, including Richard Nixon (the most negatively disposed of the postwar Presidents to domestic social problems), have taken stands on these problems.

True to the Founding Fathers' expectations, congressional-presidential relations have been typified by conflict, and individual Presidents have focused on particular legislative targets and strategies. Truman's surprise election victory in 1948 stemmed partly from his repeated attacks on the "do-nothing" Republican 80th Congress. Abandoning traditional non-interference by Presidents in Congress's internal reorganization, John Kennedy moved boldly to reduce the obstructions to his program in the House Rules Committee. With help from Speaker Sam Rayburn of Texas, Kennedy succeeded in enlarging the committee in order to improve the voting margin for administration measures.

The most serious and protracted presidential-congressional conflicts flamed in Richard Nixon's presidency. Alone of the postwar administrations, the Nixon administration faced Congresses dominated throughout by the opposition party. Partly, the President battled with the Democrat-controlled Congress over national priorities. The President favored spending for military and space programs and was disposed to cutbacks and liquidations of domestic social programs, while the Democratic Congress favored reverse priorities. While Democrats claimed that Congress determined national priorities, President Nixon asserted that this power belonged to the President. Conflict was exacerbated by the President's almost Gaullist disdain for Congress, reflected in the attitude of his chief White House aides, which also roughened relations with Republican legislators. Beginning in 1973, the disclosure of the Watergate scandals gravely worsened the President's relations with Congress, which rolled with increasing momentum toward impeachment.

In his conflict with Congress, Richard Nixon gave new and vast scope to "impoundment," or the withholding of funds that Congress had appropriated. Earlier Presidents had applied impoundments largely to military, highway, and flood control programs, and often withheld funds temporarily until certain econo-

mies or management improvements were effected. Richard Nixon was the first President to use impoundment massively. Whereas his predecessors impounded millions of dollars, he impounded billions. Earlier Presidents impounded programs sporadically; President Nixon embraced an entire sweep of domestic and particularly social programs, and his impoundments were permanent rather than temporary. Repeated court rulings struck down specific Nixon impoundments as unconstitutional.

Both before and during the threat of impeachment, President Nixon relied heavily on "executive privilege," which he also extended to new dimensions. He or his aides variously contended that executive privilege applied both to former and present members of the White House Office, to every employee and communication of the Executive Branch, and to materials that might be considered in Congress concerning his impeachment. The President often retreated from these positions, responding to political pressures and adverse court rulings. The Nixon presidency has involved all three branches in a consideration of executive privilege, a task that has more or less been avoided since Washington's presidency. In pre-Nixon presidencies, questions concerning executive privilege were settled, with rare exception, by comity among the branches of government, which has given the doctrine a useful, practical flexibility.

## ADMINISTRATION

The expansion of the President's personal power in the post-World War II era has been enormously facilitated by the White House staff. It has grown steadily in power, function, and numbers. From the John Kennedy years onward, several members of the White House staff have equaled the influence of any department secretary. This trend achieved its peak in the Nixon presidency, when the two principal White House assistants, H. R. Haldeman and John Ehrlichman, like Kissinger in foreign affairs, seemed to surpass in influence any Cabinet official. After the Watergate scandals and the departure of Haldeman and Ehrlichman, their staff replacements seemed to decline in influence. A key factor in that decline was the President's weakened personal power, as he faced the threat of impeachment. His weakness inevitably infected the staff.

The President's personal advisers and assistants are concentrated in the White House staff. About a score are his chief assistants, and they bear such diverse titles as press secretary, appointments secretary, special counsel to the President, special assistant for national security affairs, and various administrative assistants. These key men help prepare the President's messages, speeches, and correspondence, arrange his appointments, oversee the inflow and outflow of his communications, analyze and refine

problems confronting him, and advance his purposes with legislators, departments, interest groups and party officials. Under the Reorganization Act of 1939 and later statutes, the President is free to choose his staff and to assign them duties as he pleases.

The President is also aided by an institutional staff, which, in contrast to the personal staff, has more defined and regularly patterned functions, and more tenured personnel, in addition to an appointed top command. In the postwar years, the institutional staff has witnessed the addition of many new units, among them, the Office of Management and Budget (an expansion of the old Bureau of the Budget), the National Security Council, the Council of Economic Advisers, and the Domestic Council. These bodies assist the President with regard to budgeting, coordination, management improvement, and the development of economic and national security policies.

Of all the staff, the White House staff has undergone the heaviest criticism and attack in recent years. It is justifiably contended that the staff reduces the accountability of the presidency, because the selection of its members is not subject to Senate approval and, traditionally, more sweeping executive privilege is claimed for the White House staff (with congressional acquiescence) than for any other component of the Executive Branch.

As power moves away from the departments to the White House staff, the accountability of the Executive Branch also declines, because the departments are subject to congressional inquiry and must provide testimony, while White House aides are not, under normal circumstances. Excessive power in the White House staff can deprive the President of expertise in the departments, as President Nixon was deprived of expert counsel on Cambodia, a country almost unknown to the staff of the National Security Council. The tenured departmental bureaucracy and the Cabinet secretary with standing in politics or in his profession can more readily challenge or question the President than can members of the White House staff who often lack political strength and professional status. Worst of all, in the Nixon era, some members of the White House staff lapsed into criminal acts later exposed in the Watergate scandals. The chief resistance to these acts was provided by the departmental bureaucracies.

Some postwar Presidents, like Lyndon Johnson, employed methods that reduced several weaknesses of the White House staff system. Presidents Truman, Kennedy, and Johnson shunned President Nixon's hierarchical arrangement; in the Nixon administration, a chief of staff, H. R. Haldeman, tightly controlled access to the President. Instead, Presidents Kennedy and Johnson delegated overlapping assignments to the staff; such overlapping helped to regulate the staff's conduct. Johnson made extensive use

of outside advisers in business and in the universities, outsiders who injected fresh perspectives, in contrast to the inward-turning Nixon staff. All recent Presidents have employed task forces of distinguished private citizens to advise them in the preparation of domestic policies. Such task forces have also served to question and check the White House staff.

### THE PRESIDENT AND THE PUBLIC

The postwar period is notable for efforts to increase popular participation in the President's selection, to make the Chief Executive more responsive and accountable to the public. Established institutions like the electoral college and the national nominating convention are increasingly being questioned. The convention was modified when the presidential primary assumed new importance after years of indifferent performance. Without his string of primary victories, John Kennedy could not have gained the nomination in 1960 and George McGovern would not have been nominated in 1972, a year in which, for the first time, most delegates to a national convention were chosen by primary. Both major parties, and especially the Democratic, have been undergoing reforms to increase representation among delegates of groups formerly ignored, like women, blacks, and youth. McGovern's overwhelming defeat and the underrepresentation of other groups have led to modifications of the 1972 changes, but the emphasis on broader representation and participation are expected to endure.

Other developments in presidential selection are either hostile to his accountability to the people or, at best, ambivalent. Increasingly, in the postwar era, presidential nominees have utilized personal campaign organizations to replace traditional party organizations. In Richard Nixon's 1972 race, the Republican national committee played a minimum role. Instead, the Committee for the Re-election of the President provided the lion's share of the effort, with officials from the Justice Department and the White House staff in key positions. A Finance Committee raised prodigious amounts of money that would have left Mark Hanna aghast. Unfortunately, the entire effort was a ripe field for corruption and sundry malfeasance uncovered in the Watergate and allied scandals. The principal managers of the Committee to Re-elect the President, John Mitchell, Maurice Stans, H. R. Halde- man, and many lesser figures were criminally indicted. In flagrant violation of the law, contributions were extorted from major corporations, including the oil companies, and the voting public paid dearly in soaring prices, on such items as oil and gasoline, unfettered by serious government regulation. A presidential campaign conducted by the regular party organization rather than by a personal presidential organization would have been more constrained.

Presidential selection in the postwar years has also been influenced by new campaign technology and expertise. The computer has become a sturdy campaign worker. In 1972, Republicans used computers to digest census tracts and other data in critical states to divide voters into different categories of likely support, opposition, or indecision toward the presidential ticket, and to classify voters in terms of age, income, race, ethnicity, spoken language. Eventually millions of letters, computer-prepared, were dispatched to the different groupings.

Since the 1950's, television has commanded increasing outlays. The rate of increase slowed in 1972, however, chiefly because of a lack of primary contests for the Republican nomination, more favorable rates for political advertising, and research which indicated that the impact of political television had been somewhat overrated. Presidential candidates have not forgotten Truman's miraculous 1948 victory, founded on his "whistle-stop" campaign, and thanks to jet planes, they can cover the country with personal appearances. Another standard crutch of the modern campaign is the public opinion poll, conducted by specialists in marketing research. From polls, the candidate learns how to reach voters better, what issues to stress in which of the communications media, and what portions of his image to retouch. Clearly, all these gadgetries and expertise are a two-edged sword. They can help to present serious issues to the public, thus enhancing presidential accountability, or they can serve as manipulative enterprises to reduce politics to a hollow exercise.

Between elections, presidential accountability to the people is facilitated by television, which brings the President into their visual presence, without reporters or interpreters as intermediaries. The President also depends heavily upon the media to communicate his purposes and activity to the public. In their stance toward Presidents, reporters have varied between extremes, from admiration, if not infatuation, with John Kennedy, to disapprobation, if not hostility, toward Lyndon Johnson and Richard Nixon. Both latter Presidents were handicapped by the Vietnam war, and President Nixon also suffered in the Watergate disclosures. Before becoming President, Richard Nixon had developed a full record of pugnacious relations with the media.

In addition, the Nixon presidency has waged the  
(Continued on page 272)

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Louis W. Koenig served in the State Department during the Truman administration. Among his many books are *The Truman Administration* (New York: New York University Press, 1956), *The Invisible Presidency* (New York: Holt Rinehart and Winston, 1960) and *The Chief Executive*, rev. ed. (New York: Harcourt Brace Jovanovich, Inc., 1968).

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*"The essential problem of the vice presidency remains what it has always been—the proper selection of men to run for the office. . . . There is nothing wrong with the vice presidency that honorable, talented men cannot overcome."*

## The American Vice Presidency

BY IRVING G. WILLIAMS

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GERALD RUDOLPH FORD became the fortieth Vice President of the United States on December 6, 1973, by the grace of Richard Nixon and a majority vote of both houses of Congress. A new chapter in the long, sometimes controversial, and sometimes somnolent history of the office had opened. A former Representative from the Fifth Congressional District of Michigan who over his quarter century of tenure had risen to the post of Minority Leader, Ford was the first Vice President in the nation's history to be selected to fill a vacancy in the office. He was the beneficiary of the first implementation of Section II of the Twenty-Fifth Amendment (ratified in February, 1967), which in deceptively simple language states: "Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress."

The first thing to note about Section II is that the President has the sole power of nominating the prospective officeholder. This conforms to the usual pattern of presidentially initiated nominations that, in all other cases, require only confirmation by the Senate. The significance of the vice presidency, with a magnitude greater than any other executive or judicial post, is underscored by the inclusion of the House of Representatives in the confirming process. Tangentially, Section II would also appear to strengthen the idea that the selection of the vice presidential candidate on the party ticket at convention time should be left to the will of the standard bearer, as has been happening with great frequency in contemporary times.

It is clear from the circumstances of the framing of the text and the history of vice presidential vacancies that the authors had in mind those vacancies arising

from the death of a President or a Vice President. Thus it is ironic that the first application of Section II should arise because of the resignation of the incumbent, Spiro T. Agnew. Of the sixteen vacancies that had occurred before October 10, 1973, only one had been due to resignation. John C. Calhoun, nearing the end of a second term in the office, politically estranged from President Andrew Jackson, and totally unhappy with the dead end he had come to in the office, resigned in a simple one-sentence letter addressed to the Secretary of State: "Having concluded to accept a seat in the United States Senate, I herewith resign the office of Vice-President of the United States."<sup>1</sup>

This procedure, called for in the act of March 1, 1792, still pertained in 1973 when Vice President Agnew was induced to resign in the first year of his second term, with no office to look forward to and indeed with dim prospects in any profession for which he had been trained. The circumstances of the Agnew resignation need not be gone into here; they are all too painfully known to the nation. Suffice it to say that they contributed greatly to the crisis of confidence in the American system of government, already rising to a crescendo over the Watergate affair and its ramifications.

From this point of view, it can be considered fortunate that Section II of the Twenty-Fifth Amendment existed. Suppose it had not? Under the terms of the Presidential Succession Act of 1947 the Speaker of the House stood in direct line of succession after the Vice President. The political affiliation of Speaker of the House Carl Albert of Oklahoma—a Democrat—would have further politically complicated an already nearly disastrous situation. The ongoing investigations of the presidency that culminated in the decision of the House of Representatives to inquire into the possibility of impeachment of the President would have had even more political overtones. Speaker Albert was at pains to declare during

<sup>1</sup> Quoted in Margaret L. Coit, *John C. Calhoun, American Portrait* (Boston: Houghton Mifflin Co., 1950), p. 240.



the "interregnum" from October 10 to December 6, 1973, that he had no wish ever to leave the House and become an acting President.

The relatively rapid implementation of Section II by all concerned, together with the fleshing out by each House of the procedures it would use to help it confirm or refuse to confirm Ford, restored a measure of belief that the democratic form of government was still capable of managing sudden high crises in an orderly, brisk, and generally acceptable fashion.

It is also safe to say that no candidate for the vice presidency (or any other office, for that matter) was ever subjected to a more thorough investigation of his life and views. Literally hundreds of trained investigators probed into every aspect of Ford's life and work. He himself was subjected to public televised questioning by each house committee involved with making its recommendation to the full membership.

Named by the President on October 12, 1973, to fill the vacancy, Ford was confirmed by the Senate, 92 to 3, on November 27. The House of Representatives, of which he had been Minority Leader, likewise confirmed his appointment on December 6, 1973, by a vote of 387 to 35. This was the first time in the history of the nation that the lower house had taken part in the confirmation of an appointment. Later that same day, Gerald Ford was sworn into office, before the President and a joint session of Congress, and in view of the nation over television.

A further point to be noted about this truly historic sequence of events was that, in more than a formal sense, many members of Congress felt that they were involved in selecting a potential Chief Executive. Several who questioned him during the confirmation hearings made public declarations of this fact, as if to give voice to the possibilities available under Section I of the Twenty-Fifth Amendment. This reads: "In case of the removal of the President from office or his death or resignation, the Vice President shall become President." For his part, the President has several times announced that he will not follow Agnew's example, that his health is excellent, and that he does not expect to be impeached.

## ESTABLISHMENT OF THE VICE PRESIDENCY

Throughout its history, the vice presidency has been inextricably linked to the first office in the land. In essence, the office was established in order to solve the problem of an emergency succession in the presidency. For most of the 16 weeks of the constitutional convention the problem did not exist, for it was the first belief of the delegates that the President should

be elected by the Congress. Thus, if a vacancy arose in the executive, a new congressional election would fill the void. And to take care of the interim period between a vacancy and the new congressional election, the delegates accepted Alexander Hamilton's idea that: "the President of the Senate shall exercise those powers and duties" entrusted to the Chief Executive.<sup>2</sup>

Ultimate dissatisfaction with the idea of the congressional election of the President under any circumstances led to the electoral college solution reported by a special committee for adoption on September 4, 1787. In essence, the specially elected electors would vote for two men for President, one of whom had to come from outside the elector's home state, with the majority-vote winner becoming President of the United States, and the one who came in second in the voting becoming the Vice President of the United States. Though there was some objection to the plan, it was deemed the only acceptable possibility in the prevailing climate of the times. It was demonstrably superior to congressional election with its possibilities for conspiracy and corrupt bargaining. And as for the solution that seems obvious to us today, that is, election of the President by direct vote of the people, the conservative delegates had already twice voted that idea down rather overwhelmingly.<sup>3</sup>

The office of Vice President of the United States was itself agreed to, after debate, on September 7, 1787. Some members objected to the role of the Vice President as president of the Senate, chiefly because they felt it would violate the separation of powers principle. Elbridge Gerry of Massachusetts held a typical view of these dissidents: "We might as well put the President himself at the head of the Legislature. The close intimacy that must subsist between the President and vice-president makes it absolutely improper." Gouverneur Morris, of the committee that had proposed the electoral college system and the vice presidency, rejected Gerry's reasoning: "The vice-president then will be the first heir apparent that ever loved his father. If there should be no vice-president, the President of the Senate would be temporary successor, which would amount to the same thing."<sup>4</sup>

It was ironic that Gerry should fear the Vice President as a sort of spy in the Senate for the White House. Only one of the 55 delegates to Philadelphia in 1787 ever became Vice President, and that was Elbridge Gerry himself. He was elected in the twilight of his years for James Madison's second term, and, as a matter of fact, died in the office before his tenure was half over. There is nothing in the record to indicate that there was any "close intimacy" between him and the President while they shared the two offices.

Yet Gerry's objections in Philadelphia were not

<sup>2</sup> Max Farrand, ed., *The Records of the Federal Convention of 1787* (New Haven: Yale University Press, 1937), vol. 1, p. 287 and vol. 2, pp. 179-186 *passim*.

<sup>3</sup> *Ibid.*, vol. 1, p. 81; vol. 2, p. 402.

<sup>4</sup> *Ibid.*, vol. 2, pp. 536-538 *passim*.

wholly without influence on a matter outside the vice presidency. The nearly completed constitution stated that a three-fourths vote in each house of Congress would be required to override a presidential veto. But Gerry feared the possibility that a few senators would combine with the President and Vice President to prevent a law's passage. The provision was changed to a two-thirds vote.<sup>5</sup> It is difficult enough in modern times for the two-thirds vote to be achieved; it is evident that the originally conceived overriding veto vote would have been tantamount to giving the Chief Executive an absolute veto.

The constitutional components of the office of Vice President are indeed few. Originally, until the adoption of the Twelfth Amendment in 1804, he was the second choice of the presidential electors. Therefore, he was in fact and in theory a man deemed to be worthy of the presidency. As James Iredell put it in the North Carolina ratifying convention, two men will be "in office at the same time; the President, who will possess, in the highest degree, the confidence of the country, and the Vice-President, who is thought to be the next person in the Union most fit to perform this trust."<sup>6</sup> The incumbencies of John Adams and Thomas Jefferson and their subsequent elevation to the presidency by election seemed early indications that the expectations were being realized.

But the system faltered with the tie vote for President between Jefferson and Aaron Burr in the election of 1800, bringing on the prospect of high constitutional crisis before the ultimate selection by the House in 1801 after 36 ballots. The way was cleared for a change in the election system. The electors were thereafter to vote in separate ballots for the two offices, and each elector was to have only one choice for each office. The effects on the caliber of a man nominated to run for Vice President would be, overall, devastating. More will be said of this later.

### THE TWELFTH AMENDMENT

The original constitution provided that if there were a tie vote for the runner-up office, the Senate would elect the Vice President by a majority vote. This, too, was altered by the Twelfth Amendment, which required that the Vice President be a majority choice of the total number of electors. If no such majority existed, then the Senate would choose a Vice President "from the two highest numbers on the list." The amendment also assured that the constitutional

rules of eligibility applicable to the President applied to the Vice President.

The Senate has only once been called upon to exercise its power of choice. Richard Mentor Johnson, Martin Van Buren's running mate in the election of 1836, fell one vote short of election in the electoral count. The Senate chose him, 33 to 16, over his Whig opponent, Francis Granger. Richard Johnson was also unique among Vice Presidents in that, though the Democrats refused to renominate him in their 1840 convention (after urging him to withdraw from consideration), they did not name anybody to replace him. He ran anyway, but the ticket lost to the fateful Harrison-Tyler combination.<sup>7</sup>

The regular duty of the Vice President as set forth in the Constitution was to be the president of the Senate. As such, he would have the usual chairman's functions as these were established in the rules of the Senate. He could not participate in debate, and had a vote only when the Senate tied. This so-called casting vote has been generally innocuous, more useful formerly than recently, and, as Vice President John Nance Garner (1933-1941) once said, is really only "half a vote." By this he meant that since a tie vote defeats a motion, a negative vote cast by the president of the Senate is redundant. It is only when his vote is affirmative that it actually is decisive. The record for use of the casting vote still seems to be held by John Adams (1789-1797) who was able to use it 29 times.

The most politically dramatic use of the casting vote, even if superfluous, was when Vice President John Calhoun voted against the confirmation of Martin Van Buren as Minister to England in 1831. Since this had been a recess appointment made by President Andrew Jackson, Van Buren was already posted in London when the tie vote (probably arranged) was announced. After his loud "no" Calhoun, descending the rostrum, is reported to have gleefully announced: "It will kill him, sir, kill him dead." He meant that he felt he had destroyed the political fortune of his long-time opponent for Jackson's favor. But a bystanding Senator saw it differently. As William Benton reportedly answered: "You have broken a Minister, and elected a Vice President."<sup>8</sup>

He was exactly right. Van Buren became Jackson's second-term running mate (and Vice President, 1833-1837). Then, retaining Jackson's confidence as Calhoun had proved unable to do, Van Buren was himself nominated and elected President of the United States to succeed "King Andrew I." Martin Van Buren was the last Vice President to date to make this jump directly from the vice presidency by the normal nomination of his party and election by the nation. All other successions to the presidency would be accidental, by reason of the death of the

<sup>5</sup> *Ibid.*, vol. 2, p. 586.

<sup>6</sup> Jonathan Elliott, ed., *The Debates in the Several State Conventions on the Adoption of the Federal Constitution, as Recommended by the General Convention at Philadelphia, in 1787* (Philadelphia, 1866), vol. 4, p. 107.

<sup>7</sup> Irving G. Williams, *The Rise of the Vice-Presidency* (Washington, D.C.: Public Affairs Press, 1956), p. 44.

<sup>8</sup> *Ibid.*, p. 41.

Chief Executive. Indeed, it was not until 1960 that an incumbent Vice President was even nominated for the presidency by an undivided party.<sup>9</sup> And then Richard M. Nixon lost out in a close race to John F. Kennedy. Eight years later, Vice President Hubert H. Humphrey (1965–1969) repeated the 1960 experience, losing out to none other than the same former Vice President Nixon.

One final word about the Vice President as president of the Senate. Most modern officeholders consider this function a small part of their total role. They tend to agree with Nixon's estimate early in his eight-year tenure that presiding over the Senate accounted for only about 10 percent of his time and that: "anyone can preside . . . the parliamentarian makes most of the decisions anyway."<sup>10</sup>

### THE POSSIBILITY OF IMPEACHMENT

The Vice President, like the President and all civil officials in the national government, is liable to impeachment for "treason, bribery, or other high crimes and misdemeanors." In this age when the seemingly dead letter of the impeachment process has sprung again to life, it is comforting to note that no Vice President has ever been impeached. Though Vice President Aaron Burr was indicted in two states for the death by duelling of Alexander Hamilton in 1803, no question of his having committed an impeachable offense was ever raised. Indeed, the Vice President returned to the dais of the Senate and himself presided at the impeachment trial of Associate Justice of the Supreme Court Samuel Chase (who was acquitted of "misbehavior" charges). In 1826, Vice President Calhoun insisted on and got a House inquiry into some rumors accusing him of malfeasance in his earlier post as Secretary of War. A House committee looked into the matter and found the charges groundless; Calhoun was completely vindicated.

Vice President Spiro Agnew, shortly before his 1973 resignation, appealed to the Calhoun precedent for similar action by the House with regard to his troubles over charges stemming from his state office holding. The House refused to take action and allowed the federal grand jury in Baltimore to continue its jurisdiction.

What is disturbing about the impeachment process is its affinity for *former* Vice Presidents. The first Vice President to become Chief Executive by reason of the death of the President was John Tyler in 1841. He was the subject of an impeachment resolution by disgruntled House Whigs within two years of his take-over. The movement failed to get the necessary ma-

jority. Less fortunate was Andrew Johnson, who succeeded the martyred Lincoln five weeks after Lincoln's second inaugural. In 1867, he had an experience similar to Tyler's. Then, in 1868, the House voted 11 articles of impeachment for which Johnson stood trial in the Senate. The case ended when the verdict failed to carry by a one-vote margin on the three articles that came up for a decision. Since a two-thirds vote is constitutionally required for conviction, it was small consolation that Johnson had "won" by only one vote. A majority of each House had felt him deserving of displacement from office.

At this writing, more than a century later and for the first time since Andrew Johnson's trial, there is talk of impeaching a President—a President, moreover, who had been for eight years a Vice President. And whereas President Nixon's twice selected Vice President, Agnew, invited House inquiry into his non-Watergate troubles and was spurned, the President himself is the subject of an inquiry that he neither wanted nor asked for, and that has as its purpose to resolve the question of whether he has committed impeachable offenses.

The main reason, of course, for establishing the Vice Presidency was to have a ready-made stand-in available if accident befell the Chief Executive. This has occurred eight times in all, four times in the nineteenth century and four times in the twentieth century. Seven Vice Presidents have died in office, two others resigned, but the offices of the presidency and the vice presidency were never vacant at the same time. If this had happened (before 1967), statute law provided for an acting succession.

### THE PROBLEM OF SUCCESSION

The first emergency succession in 1841 clarified the problem that lay dormant in the text of the pertinent clause of the Constitution (Article II, Section I). On the death of a President, did a Vice President succeed to the "office" or merely to "the powers and duties" of the office? In other words, did he become President or only Acting President? Despite evidence that the framers of the Constitution intended the latter, John Tyler assumed the title and office of the President and made it stick. Through every succeeding emergency succession, the Tyler precedent was followed. Tyler also initiated the practice of taking the presidential oath of office as soon as possible after the demise of the elected President, as a sign of the transfer of the power and the office. It was the practice initiated by Tyler that was sanctified by the phraseology of Section I of the 1967 amendment to the Constitution.

But if Tyler solved his problem to his satisfaction (and that of like-situated Vice Presidents), he had left another problem. What if a President became "unable to discharge the power and duties" of the of-

<sup>9</sup> We disregard the 1860 candidacy of John C. Breckinridge, Vice President under Buchanan (1857–1861), who received 72 Southern electoral votes for President in protest against the "regular" nominee, Stephen A. Douglas.

<sup>10</sup> *U.S. News & World Report*, June 26, 1953, p. 71.



fice? By the same succession clause of the original Constitution the Vice President was charged to take over in this case also. But was he then simply an Acting President, replaceable when the President's disability ended—if it ended—or was he then President, as in the case of a removal, death, or resignation? The Constitution did not say and the laws of Congress were mute on the subject.

This is why when Presidents became ill, even sometimes disabled, the nation muddled through until the President recovered or died. The question raised by John Dickinson at Philadelphia in 1787 when the disability question was being debated was not answered until 1967. Dickinson queried: "What is the extent of the term 'disability' and who is to be the judge of it?"<sup>11</sup> No one could answer him then, and we are not sure we have a complete answer even today with the Twenty-Fifth Amendment.

No question of the applicability of the inability clause was raised until the shooting of President James A. Garfield in 1881. Unlike Lincoln, who had been shot in April, 1865, and had died the following morning, Garfield lingered between life and death from July to September. For most of this 80-day period he was unconscious. Vice President Chester A. Arthur never saw the President during this time, but received reports periodically from Secretary of State James G. Blaine. Government operations appear to have continued under Blaine's regency. Arthur, deeply troubled, made no effort to rock the boat. He had no guidance in any law of Congress as to how to proceed, and he did not know whether the President would recover.

Moreover, no one knew whether an Arthur "take-over" would displace Garfield permanently. The one certainty was that there could not be two Presidents of the United States simultaneously. This confusion, compounded by the Tyler precedent, probably accounted for the fact that Garfield's Cabinet made no overtures to bring Arthur into its councils. When Garfield ultimately died the crisis died too, for Arthur was then the President. He, himself, vainly tried to arouse Congress to establish procedures for the future. Congress merely begged the question after Arthur left office by altering the succession after the Vice President. Cabinet members in order of seniority of their department, instead of leaders of Congress, would succeed as "Acting President."

The shooting of William McKinley in 1901 led to his death within a week. No questions of disability were raised. This was not the case, however, when President Woodrow Wilson had a paralyzing stroke in October, 1919. He nearly died, was left partially paralyzed for the rest of his life, and for a considerable period in 1919-1920 was unquestionably disabled in

both the constitutional as well as the physical sense. A White House coterie carried on as best it could under Edith Wilson, his indomitable second First Lady.

Throughout Wilson's two terms the Vice President was Thomas Riley Marshall of Indiana, who found himself repeating Arthur's dilemma. He had a responsibility under the succession clause but had no means to discharge it. He never saw the ailing President. Mrs. Edith Wilson turned him back when he once tried, and he did not receive any official reports of Wilson's actual condition. When Secretary of State Robert Lansing tried to determine whether the disability succession should be set in train, he only started a process that led to his own forced resignation from office (February, 1920). Wilson's old political mentor, Colonel Edward M. House, urged Wilson to resign for the good of the country. House believed that Wilson's ill-health was a justification for so doing and that Wilson's pet project, American acceptance of the League of Nations Covenant, might even be achieved if Wilson resigned. There is no record that House's appeal was ever answered.

The unresolved questions of presidential inability remained after Wilson's term ended. And the trouble was that after World War I the United States was a great power with the capacity to play a world leadership role, if it chose to. It chose not to in the years 1919-1920, although urged to do so by Wilson. Perhaps the League and the Treaty of Versailles could not have been saved under any circumstances, but it is well to remember that the world leadership role was lost during a period of presidential inability.

Sporadically, thereafter, when Presidents fell ill, the inability clause was questioned. President Dwight D. Eisenhower's heart attack in 1955 was one such occasion. Vice President Richard Nixon, and indeed the nation, was kept fully informed of his condition; governance continued seemingly unimpaired; and this one of Nixon's "Six Crises" in public life was successfully surmounted. Thereafter, an informal arrangement was worked out by the President and Vice President, not only for the rest of the Eisenhower term, but in the subsequent administrations of John

(Continued on page 273)

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<sup>11</sup> Farrand, *Records*, vol. 2, p. 427.



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*"Certainly during the next few months and perhaps for years, Congress will continue to assert itself." In the longer run, "Whether Congress will be a dominant, an equal, or a silent partner [in American government] is a matter that Congress itself will decide."*

## Congress in the American Presidential System

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CONGRESS IS NOT the favorite political institution of the American people—and Congress knows it. Whereas criticism of the modern presidency has become fashionable only during the last few years, Congress perennially has been found wanting by the public. Intellectuals, particularly, have termed it unresponsive, unimaginative, unrepresentative, corrupt, internally undemocratic, and otherwise inadequate.

Despite the lack of public affection for Congress, it is constitutionally equal in authority to the presidency. It is "the first branch of government" described in the Constitution.<sup>1</sup> Its actual operating power, while difficult to measure precisely, is very real, although the extent of that power has fluctuated over the nation's history.

At a time when the conduct of American presidential politics has been called into question and may be reformed, the role of Congress in the American system deserves thoughtful attention. Congress itself may be part of the solution for the problems perceived today.

### THE HISTORIC ROLE OF CONGRESS

The men who met in Philadelphia to write the Constitution of 1787 thought of the houses of Congress as parts of a complex governmental machine. They knew they needed a stronger government than that provided by the Articles of Confederation, but

they wanted a government whose powers would be strictly limited in order to control possible excesses by those in authority. To these ends, they set up a system of what Richard Neustadt has called "separated institutions sharing powers."<sup>2</sup> Authority was granted to state as well as federal government, and at the national level to Congress, the President, and the judiciary. Congress itself was divided into two branches, a House based on population and a Senate in which each state would have two members. Each institution was devised to counterpoint others, with a unique constituency and particular powers.

For Congress, this meant authority in scores of specific areas, the most important of which were the declaration of war; raising and maintaining military forces; taxing, spending, borrowing, and regulation of currency and commerce; overriding a presidential veto by two-thirds vote of both houses; amending the Constitution; admitting new states; constituting the inferior federal courts; choosing the President and Vice President if no candidate had a majority of electoral votes; and providing for presidential succession if both the President and Vice President were removed or disabled. The House was granted exclusive authority to initiate revenue measures; the Senate had the power to confirm presidential nominees and ratify treaties. To the House went the power of impeachment; to the Senate, the power to try those who had been impeached.

The grant of authority to the President was much more general. When speaking of Congress, the Constitution referred to "all legislative powers herein granted";<sup>3</sup> it said "the executive power shall be vested"<sup>4</sup> in the President. In another phrase subject to wide interpretation, it said "he shall take care that the laws be faithfully executed."<sup>5</sup> Specific powers made the President commander-in-chief; provided for executive nominations and treaties made "by and

<sup>1</sup> Alfred de Grazia, ed., *Congress: The First Branch of Government* (Washington: American Enterprise Institute for Public Policy Research, 1966).

<sup>2</sup> Richard E. Neustadt, *Presidential Power* (New York: John Wiley & Sons, Inc., 1960), p. 33.

<sup>3</sup> Article 1, Section 1.

<sup>4</sup> Article 2, Section 1.

<sup>5</sup> Article 2, Section 3.

with the advice and consent of the Senate";<sup>6</sup> and authorized the President to give information and recommendations to Congress, to sign and veto legislation, to receive diplomats, and to convene and adjourn extraordinary sessions of Congress.

The constitutional document was made flesh and blood in the administration of George Washington. He was the most widely respected citizen of the new nation, and he was expected by those who wrote the Constitution to be the first President. In a sense, then, the psychological advantage from the outset was with the presidency, rather than Congress. Washington was the focus of leadership in the new political system, and Presidents have continued to be the focus except under unusual circumstances.

### THE ROLE OF CONGRESS

Historically, the preeminent role of Congress has been that of responder to presidential initiative. There are institutional reasons for this. One is the view, shared by most members of Congress as well as the mass public, that the President is the foremost leader in the political system and is even the symbol of the nation itself.<sup>7</sup> Reinforcing this tendency is the very nature of Congress as a collegial body (now about six times its original size) that can only with the greatest difficulty organize and pass a program of its own. It suits the presidency to lead Congress; it

<sup>6</sup> Article 2, Section 2.

<sup>7</sup> This view begins in early childhood (see David Easton and Jack Dennis, *Children in the Political System* [New York: McGraw-Hill, 1969] and Fred I. Greenstein, *Children and Politics* [New Haven: Yale University Press, 1965]) and is transmitted by political science texts (see Thomas E. Cronin, "The Textbook Presidency and Political Science," paper presented at the annual meeting of the American Political Science Association, 1970).

<sup>8</sup> *Congressional Quarterly's Guide to the Congress of the United States: Origins, History, and Procedure* (Washington: Congressional Quarterly Service, 1971), p. 583.

<sup>9</sup> *Ibid.*, p. 213.

<sup>10</sup> See Lawrence H. Chamberlain, *The President, Congress, and Legislation* (New York: Columbia University Press, 1946); Nelson W. Polsby, *Congress and the Presidency* (Englewood Cliffs, N.J.: Prentice-Hall, 1971); and James L. Sundquist, *Politics and Policy* (Washington: The Brookings Institution, 1968). The quoted phrase is Polsby's.

<sup>11</sup> See Carl Russell Fish, *The Civil Service and the Patronage*, Harvard Historical Studies, vol. 11 (Cambridge: Harvard University Press, 1904), ch. 5, *passim*; and Dorothy Ganfield Fowler, "Congressional Dictation of Local Appointments," *Journal of Politics*, vol. 7, no. 1 (February, 1945), pp. 25-57.

<sup>12</sup> See Richard E. Neustadt, "The Presidency and Legislation: The Growth of Central Clearance," *American Political Science Review*, vol. 48, no. 3 (September, 1954), pp. 641-71, and vol. 49, no. 4 (December, 1955), pp. 980-1021.

<sup>13</sup> Polsby, *op. cit.*, p. 132; *Congressional Quarterly Almanac*, vol. 7 (1953), p. 87; vol. 24 (1970), p. 103; vol. 25 (1971), p. 111-H; vol. 26 (1972), p. 76; *Congressional Quarterly Weekly Report*, vol. 32, no. 1 (January 5, 1974), p. 6, and no. 7 (February 16, 1974), p. 331.

suits Congress to get an agenda from the President.

Has Congress then been *secundus inter pares*? For purposes of exact measurement, power is one of the most elusive conceptions known to social science. But more than a fleeting impression indicates that Congress has not often chosen to assert its will in opposition to the President on measures that he has urged it to support. Although the record varies in important respects with the historical period concerned, Congress has rarely rejected a treaty or nomination that the President has proposed; it has overridden only about three percent of presidential vetoes;<sup>8</sup> and it has never refused a presidential request for a declaration of war.<sup>9</sup>

Impressive as all this sounds in terms of presidential power, it may well be that the reason for so many successful presidential requests has been that a majority in Congress was favorably disposed towards them before they were made—and indeed that members of Congress may have been consulted ahead of time or may even have made the proposals first themselves. Both the President and Congress may support something for the very good reason that it is broadly acceptable. And Presidents may decline to make recommendations that they feel will not succeed or will stir up too much controversy and ill will. The role of Congress as an initiator of legislation and "policy incubator" has been well documented.<sup>10</sup> Moreover, few presidential bills escape amendment in Congress; thus its members may shape the content of the President's proposals just as he shapes their agenda. In the case of nominations, it has been the practice since the early nineteenth century for Presidents to clear federal appointments with Senators and Representatives (particularly those of the President's party) from the states affected;<sup>11</sup> it has long been customary to clear such nominations with the chairman, ranking minority member, and/or other members of the relevant Senate committee as well.

### INFLUENCING PRESIDENTIAL LEGISLATIVE PROPOSALS

Finally, Congress often has said no to the President on legislation, usually by declining to act on a bill. With the institutionalization of the President's program<sup>12</sup> it has become possible to measure his success in Congress quantitatively. Since 1953, more than half the presidentially sponsored bills that have come to a vote in Congress have been approved; but fewer than half those proposed by the White House have been passed by Congress each year. Congress passed more than half the bills that had been recommended by the President the year they were recommended in only six years from 1947 through 1972—in 1953, 1954, 1964, 1965, 1966, and 1968, all years in which the President and a majority in both houses of Congress were of the same political party.<sup>13</sup> These statistics

overstate the case a bit, because a bill proposed by the President may fail initially but pass in a later year, and the White House supports some bills more strongly than others. Even allowing for those factors, however, substantive congressional influence on legislation clearly remains great.

### DECLINE IN CONGRESSIONAL POWER?

Despite the persistence of congressional influence, in some respects the legislative branch has lost ground to the executive since 1789. Responsibility lies partly with Congress, partly with the President, and partly with circumstances. Evidence of congressional decline, however, must be carefully weighed.

A critical early change came in the manner of selecting presidential candidates. With the emergence of political parties, candidates were initially selected by the party caucus in Congress. Those seeking nomination—including Presidents like James Madison and James Monroe, who sought a second term—needed support among the legislators. But the Federalist party had withered away by 1824, and the Republican party encompassed a wide variety of conflicting factions in a brief one-party era. State party leaders long had wanted a role in the presidential nominating process, and candidates who did not win the nomination of the congressional caucus sought nominations from the state legislatures. By the time the four-way presidential election of 1824 was thrown into the House, the caucus as a nominating device was clearly dead. Nominations were made by the state legislatures in 1828, and four years later the Democrats and the National Republicans held the first presidential nominating conventions. As conventions have since evolved, members of Congress have been less influential in presidential selection than incumbent Presidents, governors, other state party officials, and leaders of candidate factions.

Imaginative assertion of presidential power also has served to eclipse Congress. Washington's preeminence made the presidency the central focus of government. Subsequent Presidents had the constitutional authority (by the broad language describing their powers) and frequently the historical opportunity to seize the initiative in government, provided they had the desire and the competence to do so. Some, notably William Howard Taft, were philosophically opposed to presidential preeminence; others, notably Ulysses S. Grant, were maladroit at the exercise of political leadership. But most Presidents have sought the office because they wanted to lead and have won the office because of their political skill.

Such men have expanded the dimensions of the presidency. Thus Thomas Jefferson bought the Louisiana Territory without prior approval from Congress and the states; thus Andrew Jackson chose and dramatized issues until the presidency itself became *the* issue (and the center of attention) with the formation of a political opposition who called themselves Whigs.

Thus, also, Abraham Lincoln called up military forces to fight the Civil War before he called Congress into extraordinary session to deliberate about it. Mounting opposition to Lincoln's conduct of the war and his reconstruction policy allowed Congress to overpower (but not convict) Andrew Johnson; subsequently, Congress gained a stronger position in relation to the mostly mediocre Presidents who served until the turn of the century. Nonetheless, determined personalities like Theodore Roosevelt, Woodrow Wilson, and Franklin Roosevelt were able to revive and elaborate on the Jackson-Lincoln conception of the presidency. Twentieth-century Presidents have increasingly capitalized on the opportunities that the White House has to spread its message through the news media—an opportunity not open to Congress, which can rarely speak with one voice.

### PRESIDENTIAL DOMINANCE IN FOREIGN AFFAIRS

Since 1789, Presidents have become predominant in foreign and military policy. Three of the "strongest" Presidents, as commonly defined, held office during the nation's major wars: Lincoln, Wilson, and Franklin Roosevelt. Despite the constitutional principle of shared powers, Presidents increasingly have initiated, as well as carried out, foreign and military policy with little congressional involvement in many decisions before they have been taken. Doubtless affected by the Senate's rejection of the Treaty of Versailles (and 10 other treaties since 1789), Presidents have increasingly resorted to executive agreements. Such agreements do not require senatorial advice and consent, and their contents sometimes have not been revealed to Congress. (As of January 1, 1973, the United States was a party to 910 treaties and 4,589 executive agreements.<sup>14</sup>)

Presidents also have committed United States military forces without asking Congress for a declaration of war in four of the nine wars from 1789 through 1945 and in the Korean and Southeast Asian conflicts.<sup>15</sup> Congressional influence was also notably lacking in policy-making councils during the Cuban crises of the early 1960's. And it was Richard Nixon, rather than Congress, who established the policies of détente with the Soviet Union and the normalization of relations with the People's Republic of China. Until very recently, Congress has essentially shared the "bipartisan" foreign policy views advocated by

<sup>14</sup> Congressional Quarterly, *Congress and the Nation*, vol. 3, 1969-1972 (Washington: Congressional Quarterly Service, Inc., 1973), p. 881.

<sup>15</sup> *Congressional Quarterly's Guide to the Congress of the United States*, p. 199.

Presidents since 1945, and has concentrated on deliberations over the foreign aid and international commercial policy proposals of the executive branch. This significant, but mostly responsive, congressional activity has been underscored by the general belief (itself supported in turn by the cold war) that because quick, decisive, even secret action is sometimes necessary in foreign relations, presidential primacy is required.

Congress also feels outnumbered. With the sheer increase in size of the executive establishment, and the enormous talent thereby put, at least in theory, at the President's disposal, Congress has considered itself at a disadvantage. The staff resources of President George Washington consisted of a handful of clerks; the federal civil service in 1972 included 2.8 million employees.<sup>16</sup> In 1971, the staff in the Executive Office of the President numbered 5,395; the White House staff included 600 more people.<sup>17</sup> The personal resources of the President seem immense to the typical Senator, whose staff numbers 19, and the average Representative, whose staff is smaller still.<sup>18</sup> The President appears to have far more expertise and analytical competence at his command than members of Congress.

Actually, the legislators receive vast quantities of information from the executive branch, from within Congress, from organized groups and interested citizens; but they lack a large pool of trained professionals, including experts in automatic data processing and its applications to public decision making.<sup>19</sup> Much of Congress's statistical information must be derived from the executive.

Yet the congressional disadvantage can be overdrawn. A vast majority of the 2.8 million civil servants are not policy analysts and have only the remotest relationship with the White House. Common sense, as well as computers, are required in assessing policy alternatives. On the whole, Congress does not need to expand its own bureaucracy; it simply needs to use effectively a relatively small (by executive stan-

dards) and well-trained professional staff that suits its particular purposes.

### CONGRESSIONAL RESURGENCE?

Members of Congress are acutely conscious that most people look to the President, rather than to them, for political leadership. Particularly since the emergence of national controversy over United States involvement in Southeast Asia, many members of Congress have resented what they consider to be executive excesses and have attempted to reassert congressional authority.

Congress has moved to strengthen its own hand in foreign policy. In 1972, Congress passed and the President signed into law a bill requiring the executive branch to submit to Congress the text of all international agreements within 60 days after they have gone into force. In a further attempt to check presidential powers—in this case, those granted to the President in times of national crisis—the Senate in 1972 created a Special Committee on the Termination of the National Emergency, which recommended an end to the states of emergency declared in 1933, 1950, 1970, and 1971.<sup>20</sup> Over President Richard Nixon's veto, Congress in 1973 passed legislation requiring congressional approval for any new commitment of United States troops abroad for more than 60 days. The vote climaxed years of attempted legislation on the subject of national commitments, war powers, and the termination of the Southeast Asian war.

### BUDGET CONTROL

The principal legislative thrust in domestic policy making has been the congressional attempt to gain greater influence over the federal budget. The President's budget has been a major instrument of control over the executive branch; all agency requests for appropriations must be cleared through the Office of Management and Budget in the Executive Office of the President; but Congress traditionally has considered the budget piecemeal, rather than as a whole. A joint congressional committee was established in 1973 to consider how Congress might improve its procedures. By the spring of 1974, Congress was considering legislation that would create a congressional budget office and would require passage each year of a tentative congressional budget resolution, including a preliminary budget ceiling and estimates by broad categories, before consideration of individual appropriations bills. The measure also would prohibit presidential impoundment for policy reasons of funds appropriated by Congress.<sup>21</sup>

The Senate has also rediscovered the uses of the confirmation power as a device to exercise influence. After the unprecedented rejection of the nomination of four consecutive Supreme Court nominees—Abe

<sup>16</sup> United States Civil Service Commission, *Mandate for Merit* (Washington: Government Printing Office, 1973), p. 61. The figure refers to paid civilian employees other than those of the Central Intelligence Agency and the National Security Agency.

<sup>17</sup> Thomas E. Cronin, "The Swelling of the Presidency," *Saturday Review of the Society*, vol. 1, no. 1 (February, 1973), p. 30.

<sup>18</sup> The median size of Senators' personal staffs is derived from Charles B. Brownson, *Congressional Staff Directory 1973* (Alexandria, Va.: Congressional Staff Directory, 1973), pp. 125–50. The more numerous committee and other legislative staff are shared by the 535 members of Congress.

<sup>19</sup> See John S. Saloma, *Congress and the New Politics* (Boston: Little, Brown, 1969), pp. 199–254.

<sup>20</sup> *Congressional Quarterly Weekly Report*, vol. 31, no. 41 (October 13, 1973), pp. 2732–33.

<sup>21</sup> *Ibid.*, vol. 32, no. 11 (March 16, 1974), pp. 679–81.



Fortas and Homer Thornberry in 1968, Clement Haynsworth in 1969, and G. Harrold Carswell in 1970—the Senate considered names sent to Capitol Hill by the President in more than cursory fashion. The Foreign Relations Committee, after quietly burying several nominations in prior years, rejected outright an ambassadorial nominee in 1973—apparently for the first time ever recorded. The Commerce Committee became increasingly concerned with whether nominees to the independent regulatory commissions were oriented primarily toward industry or toward consumers. In 1973, the Senate for the first time since 1950 turned down a nominee to a regulatory agency.<sup>22</sup> In the Judiciary Committee, 1973 hearings on the nomination of L. Patrick Gray to be director of the Federal Bureau of Investigation were used as an opportunity to obtain information on the Watergate case and FBI operations generally; Gray's stymied nomination was ultimately withdrawn by the President. The nomination of William Saxbe to be Attorney General brought another set of hearings at which explicit commitments about the role of the Watergate special prosecutor were sought and made. The same year, Congress enacted (and the President signed) a bill making future nominations to the positions of director and deputy director of the Office of Management and Budget subject to senatorial confirmation. And the Democratic Policy Committee of the Senate passed a resolution stating that confirmation should be voted with the express commitment that the nominee would agree to testify before any Senate committee requesting such an appearance.<sup>23</sup>

### WHITHER CONGRESS?

Critics of the American political system, both those who have chastised Congress and those who have found fault with the presidency, have sought institutional change. For many, the British system of "responsible" parliamentary government has been a preferred alternative.

But the American constitutional system is not, and cannot be, the British parliamentary system. Under the latter form of government, executive authority derives from and is responsible to legislative authority. The two branches—separated in the United States by constitutionally differing constituencies and enumerated powers—are fused. The program of the

executive (the Prime Minister and his Cabinet) must go to Parliament for approval; if the executive is defeated on an important vote, Parliament is dissolved, elections are held, and the government is reconstituted. As we have seen, executive and legislative powers are not completely separated in the American presidential system; and the powers are not completely fused in a parliamentary system, since the Cabinet and Parliament may on occasion disagree. Nevertheless, the fundamental distinction between the two systems remains. Only if Congress had continued to nominate the presidential candidates would parliamentary government have been approached in the United States, and even then the constitutional method of choice among presidential candidates would have remained with the electoral college. The authors of the United States Constitution were familiar with eighteenth-century parliamentary government; they deliberately created a different kind of system.

Assuming no constitutional amendment moving toward a parliamentary system, what will the Congress of the future be? Certainly during the next few months and perhaps for years, Congress will continue to assert itself. President Nixon's popularity and prestige have sunk low, and the political climate at least within the attentive public of informed observers generally favors the current congressional effort to strengthen its own influence in national policy making. But the legacy of Vietnam and Watergate will diminish over time, leaving the national system at a point somewhere short of congressional supremacy. Congress, and the public, will wish each new President well; new rounds of legislative-executive bargaining over the issues will begin.

Congress will remain, in Ralph Huitt's phrase, "the durable partner": "Congress cannot match the drama of the presidency but any day it sits it can remind the executive that it must be taken into account."<sup>24</sup> Whether Congress will be a dominant, an equal, or a silent partner is a matter that Congress itself will decide.

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<sup>22</sup> *Ibid.*, vol. 31, no. 52 (December 29, 1973), p. 3447. Technically, the nomination of Robert H. Morris to be a member of the Federal Power Commission was recommitted to the Commerce Committee.

<sup>23</sup> *Congressional Record* (daily ed.), February 2, 1973, p. S1923.

<sup>24</sup> Ralph K. Huitt, "Congress, the Durable Partner," in Elke Frank, ed., *Lawmakers in a Changing World* (Englewood Cliffs, N.J.: Prentice-Hall, 1966), p. 9.

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*"What are the pros and cons of the parliamentary and the presidential systems of government? What are the difficulties which are inherent in identifying the strengths and the weaknesses of both systems?"*

# Parliamentary and Presidential Government Compared

By HOWARD A. SCARROW

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IN AN ESSAY published in 1879, Woodrow Wilson argued for the transformation of the American system of presidential government into one resembling a parliamentary system.<sup>1</sup> Almost a century later, critics of the American presidential system were again sounding this theme. The continued fascination of American observers with the parliamentary system, especially as it is practiced in Britain, is thus an established fact. Perhaps more impressive is the fact that whereas Wilson advocated the parliamentary system as a means of bringing about a concentration of political power, critics in the 1970's were looking to that system as a means of correcting what was seen as an excessive concentration of power.

What are the pros and cons of the parliamentary and the presidential systems of government? What are the difficulties inherent in identifying the strengths and the weaknesses of both systems?

The differences between a parliamentary and a presidential system of government may be easily stated. They relate mainly to the nature of the executive and to the executive's relationship with the legislature. In a presidential system like that of the United States, there is a single executive who is elected by the voters for a fixed term, and his office is separated from the legislature. In contrast, the executive of a British-type parliamentary system is a multi-member Cabinet whose members are chosen by, chosen from, remain members of, and are always removable by the legislature. An additional feature of the parliamentary system is that it separates the offices of titular chief of state (King in a monarchy, President in a republic) from the office of head of the Cabinet, i.e., the Prime Minister (or Premier or Chancellor). In a presidential system, in contrast, the two offices are combined in a single person. Occasionally

discussions of the presidential system will introduce the subjects of federalism and judicial review. As the examples of the United States and Canada or Australia demonstrate, however, these governmental arrangements are peculiar to neither the presidential nor the parliamentary systems; accordingly, they will not be discussed here.

The arguments in favor of one or the other of the two systems of government may be grouped under two broad headings according to whether they relate to (1) the realization of democratic values, or to (2) the realization of the goal of effective government.

## DEMOCRATIC VALUES

*Control through Accountability.* It is generally agreed that a major dimension of democratic government is the ability of the citizenry, and especially a majority thereof, to make its wishes known and to have those wishes reflected in government action (or inaction). Since elections are the crucial mechanism through which popular control is exercised, citizens presumably should be in a position at election time to reward or to punish the policy makers for their past performance, or for their promise of future performance. But such ability assumes that the policy makers can be identified, that there is a "government" in whose hands the governing authority is solely concentrated.

One of the most persistent criticisms which has been leveled against the American presidential system is that it makes such a concentration of authority virtually impossible. The separation of the presidency from Congress insures fragmentation, as does the existence within Congress of powerful committees. The result is said to be the absence of accountability, and the absence of meaningful policy choice at election time. This attack upon the American presidential system was first articulated by Woodrow Wilson, and since his time this theme has run consistently

<sup>1</sup> "Cabinet Government in the United States," *International Review*, vol. 7 (August, 1879), pp. 146-163.

through a great deal of political science literature.<sup>2</sup>

The British-type parliamentary system, in contrast, is usually cited by critics as one which permits the concentration of political authority in the hands of a Cabinet, which is backed solidly by a majority party in the House of Commons. The British voter, as a result, is seen as being in a position to identify those who are responsible for policy making and to register approval or disapproval at election time.

It is readily apparent that what is being compared in these discussions is not two abstract models of government, but two specific examples of workings of these models. More particularly, it is not so much the parliamentary system which is being praised as it is the British political party system, characterized by quality and discipline; nor is it the American presidential system *per se* which is being criticized as it is the American party system, characterized by fragmentation and (by British standards) a lack of discipline. One need look only at the experience of France under the Third and the Fourth Republics for evidence that the parliamentary system need not necessarily be accompanied by two disciplined political parties; it does not always present voters with choices of "governments" at election time. Even Woodrow Wilson, who began by urging the adoption of the parliamentary system in the United States, later concentrated his argument on the reform of the American party system. It should also be noted that the British party system has been shown to work somewhat differently than was once supposed. Thus, most British voters have been shown to cast their ballots not so much in terms of policy choices presented to them as according to their long-term identification with one party or the other.

In summary, what can be said is that the parliamentary system of government more easily permits the concentration of political authority than does a presidential system. Whether that concentration will occur will depend on the nature of the party system. If concentration does occur, there is no guarantee that the voter will behave according to the model of rational democratic man. Finally, it can be argued that the "all or nothing" choice which is presented to the British voter at election time gives him less control over his government than does the American system which allows the voter to elect a Representative, Senators, and a President.

One important question which may be posed, however, is whether either the presidential or the parlia-

mentary system in some way encourages the formation of a two-party, disciplined-party system. Despite the exception presented by some (by no means all) of the parties in France, a persuasive argument can be made that the parliamentary system encourages party discipline, since under this system a legislator's infidelity to his party can result in the downfall of his party's government and the possible coming into power of political opponents. No such cataclysmic consequences follow the breach of party ranks by a legislator under a presidential system.

On the other hand, it can be argued that the presidential system encourages a duality of parties. The office of the presidency offers a prize which is both attractive and indivisible; unlike a Cabinet, it cannot be parceled out to coalition partners. The two American parties have often been characterized as loose coalitions held together because no part of the coalition acting alone is strong enough to capture the presidency. Anyone wishing to transform American government into a parliamentary system, therefore, would appear to face a dilemma; he may end up trading duality for discipline; in terms of the goal of government accountability he may be no better off than before.

*Controlling the Executive.* Another dimension of popular control of government relates to the restraints which keep the executive attuned to popular sentiment, and keep it from abusing its power. Here it is difficult to argue the case for either system. For one thing, both the parliamentary and the presidential systems are able to produce strong legislatures which dominate the executive; yet they are also able to produce strong executives which dominate the legislature. Woodrow Wilson's major criticism of American government was that Congress was too powerful; contemporary critics view the executive as too powerful. France can again be cited to illustrate that a parliamentary system can be characterized by a dominant legislature. Contemporary parliamentary government in Britain reflects the very opposite tendency.<sup>3</sup> Furthermore, it is clear that during the twentieth century executive strength has increased relative to legislative strength in both parliamentary democracies and in the American presidential system.

Executive dominance in foreign policy is especially apparent. In the 1960's and early 1970's, American military initiatives were undertaken without congressional sanction; while in 1956 Britain's bold Suez initiative was undertaken not only without the knowledge or approval of the House of Commons, but without the knowledge or approval of most of the Cabinet. Finally, while it once might have been said that in the British Cabinet the Prime Minister is simply "first among equals," today the powers of the Prime Minister have grown to the extent that they have been interpreted by some as comparable to those of

<sup>2</sup> An excellent review of this literature will be found in Austin Ranney, *The Doctrine of Responsible Party Government* (Urbana: University of Illinois Press, 1962).

<sup>3</sup> It must be noted, however, that not long ago the British Cabinet was seen as being a committee of the House of Commons, which exercised "absolute control of the Executive." See James Bryce, *Modern Democracies*, vol. 2 (New York: Macmillan, 1921), p. 464.

an American President. (In Germany, indeed, the primacy of the Chancellor is spelled out in the constitution.)

Having stressed the increase in executive strength, we can also cite examples of continued legislative power on both sides of the Atlantic. Presidents are forever complaining about congressional refusal to accept their recommendations, and presidential vetoes are overridden. On the British side, there are conspicuous examples of a majority-backed government having to take heed of rebellious stirrings within the ranks of its own parliamentary party—an example was the Harold Wilson government's having to withdraw labor union legislation in 1969—and there are no doubt many other examples, more difficult to identify, where Cabinet action has been influenced by the knowledge of what fate might await it if it followed an unpopular course.

The argument, then, can be reduced to the question of which system is inherently more effective for keeping the executive attuned to popular sentiment—a system under which there is a constitutionally autonomous Congress with independent powers such as those over appropriations and war-making; or a system under which a legislature can remove from office at any time an executive which no longer holds its confidence—a system which allows daily confrontation and debate between the government and opposition critics. The effectiveness of the presidential system can be reduced by a President who places broad interpretations on his own constitutional powers—hence the constitutional crisis broadly labeled “Watergate”; the effectiveness of the parliamentary system can be reduced by party discipline—hence the fact that not since before 1900 has a government which began with a Commons majority been overthrown by a vote of nonconfidence. Given the more or less balanced pros and cons for the respective systems’ ability to keep the executive under popular control, it is not surprising that Americans and Britons have looked enviously at one another’s system and recommended appropriate reforms.

In Britain, the cry has been for a strengthening of parliamentary committees, so that more influence in the policy-making process is shared by the House of Commons. In the United States, the call has been for a system of congressional votes of nonconfidence. Two constitutional amendments introduced into the 93d Congress would establish such a procedure. The impeachment clause of the constitution is ambiguous in its definition of cause. An impeachment involves lengthy proceedings, and in 1974 is being viewed as a traumatic experience for the nation. The proposed amendments would allow Congress, with a two-thirds vote, to remove a President (and call for new elec-

tions) when the President is judged to have exceeded his constitutional powers or permitted the executive to trespass upon liberties protected by the constitution.

The pros and cons of a parliamentary system can be illustrated by reference to the Watergate crisis which has confronted Americans in 1973 and 1974. A number of observers have noted that, under a parliamentary system, the Nixon “government” would have fallen at some point in the ascending crisis, most likely in October, 1973, after the firing of Special Prosecutor Archibald Cox. Either there would have been a vote of nonconfidence or, like Neville Chamberlain in 1939, President Nixon simply would have resigned from office. Nor would the President have been able to isolate himself from his critics, going for months at a time without holding a press conference.

Yet a persuasive case can also be made that under a parliamentary system the crisis might never have lasted until October, 1973. Would a special prosecutor have been appointed had it not been for Senate insistence? Would public opinion have turned against Nixon, and would knowledge of the existence of presidential tapes emerged, had it not been for the Senate Select Committee on Presidential Campaign Activities (North Carolina’s Democratic Senator Sam Ervin’s Watergate committee). Watching the members of that committee perform before the television cameras, and later watching members of the House Judiciary Committee (including even conservative Republicans) insisting on the right of that committee to obtain evidence from the White House, one would perhaps be reminded of the Madisonian formula: “Ambition must be made to counteract ambition. The interest of the man must be connected with the constitutional rights of the place.”<sup>4</sup>

*The Public Interest.* A third version of the popular-control-of-government argument is that the parliamentary system, more so than the presidential system, helps prevent narrow interests from prevailing over the interest of the wider community, the so-called “public interest.” Without going into the difficult question of how one defines these terms, the pro-parliamentary argument holds that when power is concentrated in a single governing party and Cabinet, no concessions to minority interests will be made which might jeopardize reelection of the party at the next election, such as concessions which would cause increased food prices, cause higher taxes, or which are simply seen as being unfair. With the total package of concessions and compromises being worked out by a single body which can be held responsible, there is said to be less chance that the package will result in these consequences.

By contrast, in the American presidential system, a Congressman need look after only his own constituency, and if he is well situated on a committee having jurisdiction over the interest of his constituency

<sup>4</sup> *The Federalist*, no. 10.



(e.g., if he was elected from a farm district or a district depending on defense contracts) he can see to it that those interests are benefited regardless of consequences for the larger community. Pork-barrel legislation is also facilitated. Only the office of the presidency is accountable to the entire electorate, and his hands are often tied, especially without the weapon of the item veto, against reckless congressional actions.

At least one political scientist has argued that it is the parliamentary system, not the presidential system, which most effectively combats evil or narrow-based or pork-barrel legislation.<sup>5</sup> The core of this argument is that a British-type parliamentary system forces a party to gain total victory or to face total defeat; there is no equivalent of winning the presidency but not Congress, or vice versa. Hence a British party, in and out of office, is under greater pressure than an American party to reach, or promise to reach, into the public treasury in order to meet the demands of any narrow group, like farmers, who are geographically concentrated and hence in a position to tip the balance of a general election by awarding a parliamentary district to one party over the other.

Regardless of the merits of this analysis of the pressures on the British Cabinet, the charges leveled against the Nixon administration concerning the pressures of the milk producers suggest that an executive who is accountable to the entire electorate is by no means immune to the type of pressures which critics of the presidential system have often seemed to assume are successful only at the congressional level.

*Rights and Liberties.* Another value which is basic to discussions of the parliamentary and the presidential systems is that of individual rights and liberties, especially the rights and liberties of minorities. It was a concern for minority rights that led to the adoption of the presidential system in the first place. James Madison's statement on the subject has become a classic.<sup>6</sup> In order to prevent a tyrannical majority from forming, with the subsequent power to run roughshod over a minority, concentration of power must be avoided; each branch of government must be able "to resist the encroachments of the others."

Has the presidential system realized the Madisonian objective of protecting minorities? In one sense it has; as already indicated, the most persistent criticism of that system has been that it has prevented a concentration of political authority which would permit

political majorities from effectively expressing themselves. However, if one looks at the more general question of the protection of individual rights and liberties, it is doubtful that the presidential system has achieved high marks.

First, it has been the amendments added to the constitution, as interpreted and enforced by the Supreme Court, and not the system of checks and balances between the legislature and executive, which have been most responsible for the protection of rights and liberties in the United States. That an American-type bill of rights is not incompatible with a parliamentary system is evidenced by the fact that critics in both Britain and Canada have urged that such a listing of rights, judicially enforceable, should be incorporated into their respective constitutions.

Second, the Madisonian argument assumes that government action constitutes a threat to minority rights; Madison never conceded that government action might be necessary to protect a minority, either from a majority or from another minority. Yet the history of civil rights in the United States demonstrates that such is often the case. Thus to the extent that the system of separation of powers has prevented or delayed strong protection for minorities (e.g., blacks), it has allowed one minority (e.g., Southern whites using the Senate filibuster) to deny the rights of another minority.

Finally, as indicated in a previous section, no strong case can be made for the proposition that a presidential system is more effective than a parliamentary system in protecting individual rights from a tyrannical executive. Many would argue that the very opposite is true.

It has been said that for most people the effectiveness of government is more important than the procedures of government. From this perspective, the arguments which have been presented thus far are of only peripheral interest; more important is the question of whether the parliamentary or the presidential system is better able to provide effective policies and leadership.<sup>7</sup> As in the previous discussion, the case pro and con is dependent on whether one is considering the systems *per se*, or whether one is referring to the systems as they currently operate in Britain and the United States. Also important is the

(Continued on page 272)

<sup>5</sup> J. Roland Pennock, "Agricultural Subsidies in England and the United States," *American Political Science Review*, vol. 56 (September, 1962), pp. 621-633.

<sup>6</sup> An excellent analysis of the Madisonian argument is found in James MacGregor Burns, *The Deadlock of Democracy* (Englewood Cliffs, N.J.: Prentice-Hall, 1963), ch. 1.

<sup>7</sup> For a discussion of the two systems from this perspective see Kenneth N. Waltz, *Foreign Policy and Democratic Politics* (Boston: Little, Brown, 1967).

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## BOOK REVIEWS

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### ON AMERICAN POLITICS

**THE PRESIDENCY REAPPRAISED.** EDITED BY REXFORD G. TUGWELL AND THOMAS E. CRONIN. (New York: Praeger Publishers, 1974. 297 pages, bibliography and index, \$8.95.)

Fifteen challenging essays in this symposium explore the development of the office of the American presidency—"ventures in reappraisal"—as the editors phrase the aim of the book. Noting the rising volume of criticism of the presidency, the editors hope "that these essays may stimulate an urgently needed reappraisal of an inherited but seemingly essential institution fast becoming inconsistent with cherished democratic ideals." The volume opens with a study of the President's constitutional position and moves on to consider "The Expanding Presidency and the Role of Congress"; "The Presidential Condition"; "The Presidential Person"; and the problems of "presidential performance and accountability." A challenging final essay by Rexford Tugwell, "On Bringing Presidents to Heel," offers suggestions for constitutional reform. O.E.S.

**THE LIVING PRESIDENCY.** BY EMMET JOHN HUGHES. (New York: Coward, McCann and Geoghegan, Inc., 1973. 368 pages, notes, sources, special supplement, and index, \$10.50.)

Professor of Politics at Rutgers and one-time assistant to President Dwight D. Eisenhower, Emmet John Hughes has written a penetrating analysis of the office of the presidency and the way that office has been shaped by the men who served as Presidents of the United States.

The study opens with the query John Jay addressed to George Washington, before Washington became President and before Jay became first Chief Justice: "Shall we have a King?" The peculiarly American nature of the presidency has been apparent to many observers. From the hesitations of the Constitutional Convention of 1787, to the conflicts between Congress and the President almost 200 years later, the presidential office has developed to meet the needs of the nation and to allow the President to cope with the enormous responsibilities of his job. Hughes discusses the idea of the presidency, and the mystery of the presidency before going on to focus on the "Man in the White House," "The Gates of the White House," restraints on presidential power, the range of presidential power, and the destiny of the presidency.

Writing of the threat of presidential power, Hughes notes that the peril "follows from an extravagance of the specific freedom and authority enjoyed by the Chief Executive to make foreign war and foreign policy." Hughes does not believe that a broad reassertion of congressional power would be a "saving corrective." He does suggest what he terms, in the words of James Bryce, "small improvements" in the presidency's institutional behavior. First, he suggests "clear Congressional control of selective service," to limit the President's ability to make military commitments. Second, he urges "faithful observance of some formal liaison with Congressional leaders that allows for private deliberating of any major foreign policy decision." Third, he would like to see an arrangement whereby the President would submit to Congress or to some agency of Congress "the substance of any executive agreement of a military nature." A similar understanding should be reached with regard to the exercise of executive privilege. Last, the Department of State should be restored to "its traditional place in the formulating of foreign policy."

Hughes closes by offering a view of the union between the people and their President as "a kind of marriage," and reiterates his belief that mutual distrust is the force that can "break a president." A presidency of "honest and wise men," he concludes, is the hope of the Republic.

A special supplement includes the views of 12 men who have worked closely with Presidents in the recent past, who provide additional insights into the challenges and responsibilities of the presidency. O.E.S.

**WHO SHAKES THE MONEY TREE?** BY GEORGE THAYER. (New York: Simon and Schuster, 1973. 301 pages, bibliography, and index, \$8.95.)

American campaign financing practices are traced from 1789 to the present. Money wasn't always a source of corruption; it didn't take long, however, for it to become firmly entrenched in the American political process. The author shows not only how money is raised and from whom, but what the contributors hope to gain with their money. The Fat Cat is seen hoping to get a favorable antitrust ruling or just the "President's ear," and the local businessman is looking for a snow removal contract. "This book attempts to show things as they really are and the way they might

*(Continued on page 277)*

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## CURRENT DOCUMENTS

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# Relevant Excerpts from the Constitution of the United States

### ARTICLE I

SECTION. 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION. 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, [which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons.]<sup>1</sup> The actual Enumeration shall be made within Three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

SECTION. 3. The Senate of the United States shall be composed of two Senators from each State, [chosen by the Legislature thereof,]<sup>2</sup> for six Years; and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; [and if

Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.]<sup>3</sup>

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

SECTION. 4. The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

[The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.]<sup>4</sup>

SECTION. 5. Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

<sup>1</sup> Superseded by the Fourteenth Amendment.

<sup>2</sup> Superseded by the Seventeenth Amendment.

<sup>3</sup> Modified by the Seventeenth Amendment.

<sup>4</sup> Superseded by the Twentieth Amendment.



SECTION. 6. The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

SECTION. 7. All Bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

SECTION. 8. The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow Money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles Square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

SECTION. 9. The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.<sup>5</sup>

No Tax or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another; nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

SECTION. 10. No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing

<sup>5</sup> Modified by the Sixteenth Amendment.

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## THE EVOLUTION OF THE PRESIDENCY: 1789-1932

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opposition, in no small part due to the fear that the new territories would enter the Union as slave states allied with the South.

With the purchase of Alaska from the Russians during the Lincoln administration, the period of continental expansion came to an end. Subsequent attempts by Presidents to expand the Union met with failure. Grant was unable to convince Congress that Canada should be annexed; his Mexican policy was similarly ignored; and a treaty to annex Santo Domingo was defeated. Subsequent territorial initiatives were based on the principle of empire rather than Union: McKinley's conquests of the Philippines, Cuba, and Puerto Rico, and Theodore Roosevelt's acquisition of a Canal Zone in Panama in 1904 marked a new stage in the evolution of American territorial policies.

### ECONOMIC DIPLOMACY

Nineteenth century Presidents successfully promoted American economic interests abroad. Because the executive could operate with secrecy, speed, and unity, it seized the initiative, expanded its constitutional power, and established precedents which made it the "sole organ" of American government in conducting diplomacy with other nations. Interest groups concerned with the world economy naturally looked to the executive branch, particularly to the President, the Secretary of State, and the Secretary of the Treasury, for assistance.<sup>3</sup>

Because early Presidents used their power to crush dissent against taxes and tariffs, and because their Treasury Secretaries developed central banks and the concept of full assumption of debts, European investors subscribed with confidence to the offerings of the United States Treasury and to stocks issued by American corporations. It was confidence in the presidency and in the executive branch which made the United States an attractive investment opportunity for foreign and domestic capitalists. The influx of capital led to great growth in agriculture and industry: by the 1850's American capital was being invested heavily in other nations, and agricultural and industrial exports became central to domestic prosperity.

In the nineteenth century, the President and his executive branch worked to secure American export

markets for capital and finished products. In the Far East, for example, American diplomats viewed China, Japan, and Korea as the most important markets. Commercial treaties were negotiated with China in 1844, 1868, and 1880. In 1900, McKinley sent 5,000 troops into China to help end the Boxer Rebellion and to ensure American participation in the Western domination of the Chinese economy. In 1854, the American Navy succeeded, under Commodore Perry, in opening Japan; subsequently, important treaties with Japan, securing trading advantages while recognizing Japanese interests in Korea and China, were negotiated.

In the Far East, emphasis was placed on preferential trading rights or on participation with European consortiums in investment opportunities. In Latin America, the goal of American diplomacy was to create a sphere of influence. After the Civil War, Presidents began to enforce the Monroe Doctrine: Grant "protected" Venezuela from the Germans in 1869; Cleveland forced England to arbitrate a boundary dispute with Venezuela in 1895; and Theodore Roosevelt maneuvered to keep German naval power away from the hemisphere. The United States Navy began to view the Caribbean as an "American lake."

Presidents intervened in Latin America even when no European issues were involved. They influenced the composition of governments in Mexico so that American investors would receive favorable terms. They forced the "Platt Amendment" on the Cubans, permitting unilateral United States intervention. Roosevelt used the navy to prevent Colombia from overcoming an American-inspired revolution; the revolution led to the independence of Panama and the subsequent treaty granting the United States the right to construct an isthmian canal.

The enlarged and modernized United States Navy was occasionally directed by the President to intervene in Latin America in order to restore political stability and to protect American or European economic interests. By executive agreement or treaty, American military governments were sponsored in Haiti, the Dominican Republic, and Nicaragua. At times, customs houses were seized and then administered by American officials to satisfy debts to European nations.

The success of policies in Asia and Latin America were eventually overshadowed by the failures of the Wilson administration. First, an ill-conceived intervention in Mexico accomplished nothing and was eventually terminated. Second, the failure of the Senate to consent to the Treaty of Versailles ended the possibility that the United States would assume military commitments involving European powers. Instead, the Senate and a majority of the American people wanted to maintain political isolationism while continuing economic expansion. Finally, Wilson's use of American troops in Russia in an attempt to

<sup>3</sup> Two useful sources on American interventions abroad are Walter LaFeber, *The New Empire* (Ithaca: Cornell University Press, 1963) and N. Gordon Levin, Jr., *Woodrow Wilson and World Politics* (New York: Oxford University Press, 1968).

overturn the revolutionary government failed. As the United States entered the Harding era of "normalcy," the prestige of the presidency in international diplomacy had sunk to a new low. It was not until the Second World War that the presidency recovered from the damage inflicted during the Wilson administration.

### CONCLUSION

There are many similarities between the presidency before 1933 and the modern presidency. An American President acts most independently when he acts to preserve order or promote American economic interests abroad, drawing on his constitutional prerogatives. A President is more restricted when he must depend on Congress for authority or funds; thus he is often least effective in promoting domestic policies, or controlling his administration and protecting it from congressional or interest-group influence. The danger to the Republic lies in the possible abuse of presidential power in foreign affairs, if Congress does not exercise its constitutional prerogatives. In domestic affairs, when the President and Congress oppose one another, the danger is a lack of coherence. In foreign and domestic affairs, both the presidency before 1933 and the modern presidency have yet to strike an effective constitutional balance.

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### THE PRESIDENCY TODAY

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most concentrated campaign in presidential experience to impose prior restraint on news reporting. It employed the subpoena power to force reporters to turn over their raw notes. The White House also proposed to condition local television station licensing on the effectiveness with which "balance" in network news was maintained, and Vice President Spiro Agnew levied strong rhetorical attacks on the media. But the media was not intimidated and proceeded to expose the malfeasances of Watergate.

Today, as seldom before, the presidency has provoked attack as an office that is too powerful, particularly in war-making. In the Watergate crisis, the President and his aides stand accused, in criminal indictment or political debate, of violations of constitutional liberties, commitment of criminal acts, and other behavior incompatible with democratic processes.

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### PARLIAMENTARY AND PRESIDENTIAL GOVERNMENT

*(Continued from page 267)*

conclusion one has reached on the relative power

exercised by the executives in these two systems. The arguments concerning the power of narrowly based pressure groups are also relevant to the question of effective government.

Without repeating the previous discussion, the case for the presidential system can be stated as follows: First, it can be argued that the presidential system provides stable government; Cabinet overthrows and unanticipated elections are unknown. Effective government is therefore more likely. Second, the executive, being secure in office, is able to exercise bold and decisive leadership. Third, the argument can be made that the presidential system recruits more able elected officials. A President need not be recruited from the ranks of long-time legislators who have worked their way through the party ranks. Moreover, a President may reach out into the society at large to recruit the heads of the various government departments. Without the party discipline which a parliamentary system encourages, legislators in a presidential system are also likely to be of a caliber which can contribute constructively to policy making. A final argument is that in a modern industrial society effective government requires strong and effective opposition of the kind a presidential system affords; a small group with concentrated power is not likely to provide effective government policies.<sup>8</sup>

In contrast to these arguments, a British-style system has been defended on the grounds that the executive can usually have its programs enacted with minimum delay and with no chance of deadlock. Second, and more often stressed, is the fact that under this system government policy forms a coherent, integrated whole. There is no likelihood that programs will be enacted only to have the funds cut off, or that funds will be appropriated but not spent, or that complex planning goals will be frustrated because only part of a program can be gotten through the legislature. Finally, it can be argued that politically experienced ministers, aided by an efficient civil service, are best suited for the effective administration of government policies.

Discussions of governing institutions are too often accompanied by two misconceptions. One misconception is that governing arrangements can easily be transferred from one society to another in the expectation that they will continue to work the same way under new conditions. This misconception has often been noted and it seldom appears in political science literature today. Another misconception, however, is equally serious and is more frequent. This is that governing arrangements cannot be changed, since existing institutions simply reflect the operative forces within the society and are not subject to purposeful redesign. It is hoped that neither of these assumptions will be read into any of what has been said in this essay.

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<sup>8</sup> This is the argument of Bernard Crick, *The Reform of Parliament* (Garden City N.Y.: Doubleday, 1965).

## THE AMERICAN VICE PRESIDENCY

(Continued from page 258)

Kennedy—Lyndon Johnson and Lyndon Johnson—Hubert Humphrey. The essence of the arrangement in all cases was that if he were able to do so, the President would inform the Vice President of a temporary incapacity. The latter would then be acting President until the President recovered. If the President for any reason was unable to declare his inability, the Vice President, after such consultation as seemed appropriate, could step in as caretaker. Again, he would move aside when the President declared his fitness to resume the office.<sup>12</sup>

### THE TWENTY-FIFTH AMENDMENT

Though there were some complaints by constitutional purists as to the legality of this procedure, it had a common-sense practicability that led to its general acceptance. The procedure has since been formalized and further explained in Sections III and IV of the Twenty-Fifth Amendment.\* The big difference between the prior informal arrangements and the amended Constitution is in a Section IV disability. A non-presidential-declared inability will not necessarily be terminated by a President's declaration of resumed fitness. The Vice President and the consultative body used to declare the inability might disagree with the President. In that case, Congress would then have to decide the issue within a prescribed time period, during which the Vice President would continue to be Acting President. The presumption is that the President's view of his ability to govern would be realistic; it would take a two-thirds vote of each House of Congress to sustain the Vice President as continuing Acting President. Only time will tell whether these procedures are the answer; at least some parameters for the perplexing problem have been established.

### THE NATIONAL SECURITY COUNCIL

Historically, the American vice presidency has been little affected by legislation pertaining to the office. One exception was a 1949 amendment to the National Security Act of 1947. This made the Vice President a member of the National Security Council, established by the basic law as the highest advisory body to the President in matters relating to defense and security policies of the nation. Starting with Vice President Alben W. Barkley, all Vice Presidents have sat on this body and have been privy to affairs of state. At least in theory, the Vice President has the opportunity to consider the issues of high policy

that he might be called upon to administer if succession took place. Membership in the National Security Council also provides him with the opportunity to measure the men whom he would inherit if an emergency in the presidency required his succession.

Basically, the value of the vice presidency is determined by the President's regard for the occupant of the office. If the President likes and trusts his Vice President, he will be busy in a variety of ways: as another pair of eyes and ears at home and abroad, he can lighten the President's load by taking on ceremonial assignments; he can be an effective liaison with Congress—especially with the Senate; he may even have administrative work assigned him. Since the first administration of Franklin D. Roosevelt, all Vice Presidents have sat in the Cabinet and, since Eisenhower's time, the Vice President has been made its acting chairman if the Chief Executive is absent. His Cabinet role also strengthens the Vice President. Whether the Cabinet and the National Security Council will themselves be the core of decision making is largely up to the President.

If the President distrusts his Vice President, the latter's capacity for growth in the office and his prospects for the future will necessarily suffer. Visits to the White House will drop off; Cabinet sessions will become less frequent or purely formal; the NSC may be sidetracked in favor of other *ad hoc* advisory groups. In general, the Vice President who is out of favor may be largely reduced to his purely constitutional role of Senate President while waiting in the wings in case of an accident to the President of the United States.

### PROPER SELECTION

The essential problem of the vice presidency remains what it has always been—the proper selection of men to run for the office. No better short-term description has ever been given than the original—"the second best man" of the party. But how often has this really been honored? It is difficult enough to remember the names of many who became Vice President. Who could compile a list of those who ran for the office on the losing ticket? Too many times since the rise of the two party-system and the adoption of the Twelfth Amendment the second position on the ticket has been what Gouverneur Morris in 1802 predicted it would be: "bait to catch state gudgeons." This meant the parties would look no further ahead than election day, and that therefore a vice presidential running-mate needed only short-run availability and clout. The long-run meaning of the nomination was either overlooked or purposely disregarded.

The aborted vice presidential Democratic candidacy of Thomas Eagleton in 1972 and the disgraceful circumstances of Vice President Agnew's resigna-

<sup>12</sup> *New York Times*, March 4, 1958, p. 1.

\* For the text see pp. 270ff. of this issue.



tion from office in 1973 dealt a double blow to the prestige of the second office of the land. It undercut a vice presidency that had included such major luminaries as John Adams, Thomas Jefferson, John C. Calhoun, and Martin Van Buren in an early period, and such twentieth century men of high caliber as Theodore Roosevelt, Thomas R. Marshall, Calvin Coolidge, Charles G. Dawes, John Nance Garner, Henry A. Wallace, Harry S. Truman and practically every Vice President since. Franklin D. Roosevelt ran for the Vice Presidency in 1920, and found the losing experience useful for his long-term goal. John F. Kennedy made his bid for his party's vice presidential nomination in 1956 and, though not getting it, was sufficiently encouraged to organize a major run for the top position four years later.

There is nothing wrong with the vice presidency that honorable, talented men cannot overcome. The office can no longer be deprecated; more and more the electorate will demand in the office top-flight individuals who are capable of growth.

One tends to agree with the philosophy of Vice President Charles Gates Dawes (1925-1929) concerning the vice presidency:

The office is what the man in it makes it—which applies to all public offices. . . . For his prestige as a presiding officer, it is to his advantage that he neither votes nor speaks. . . . Outside . . . his position . . . gives him a hearing by the general public as wide as that accorded any Senator. . . . If he lacks initiative, courage, or ideas, he of course will be submerged, but that is true also of a Senator. . . .

Whatever may be said to the contrary, as anyone discovers who occupies the office, the people hold it in great respect. . . . The occupancy of a public office, unless decorated with public respect, is a curse to anyone.<sup>13</sup>

The same criteria applies to the presidency of the United States which, after all, is the post any Vice President may assume at any moment.

<sup>13</sup> Charles G. Dawes, *Notes as Vice President, 1928-1929* (Boston: Little, Brown & Company, 1935), pp. 4-5.

## FRANKLIN D. ROOSEVELT AND THE EXPANSION OF PRESIDENTIAL POWER

(Continued from page 248)

stitution and under congressional acts, to take measures necessary to avert a disaster which would interfere with the winning of the war. . . . I will use my powers with a full sense of my responsibility to the Constitution and to my country. . . . When the war is won, the powers

<sup>5</sup> *The New York Times*, November 8, 1942.

<sup>6</sup> Some historians have rated Franklin Roosevelt as one of the three great Presidents; they have also rated him first in presidential activeness and strength of action. Gary M. Maranell, "The Evaluation of Presidents: An Extension of the Schlesinger Polls," *The Journal of American History*, June, 1970, pp. 104-113.

under which I act automatically revert to the people—to whom they belong.<sup>5</sup>

It was also in 1942, in another extension of executive power, that President Roosevelt, as Commander-in-Chief, issued an Executive Order directing the relocation of about 100,000 American citizens of Japanese ancestry into concentration camps.

In 1944, Roosevelt was elected for an unprecedented fourth term, defeating Republican candidate Thomas E. Dewey. This election confirmed the power of the war-time presidency.

Throughout the war years, Roosevelt displayed his power as chief diplomat. He met on many occasions with British Prime Minister Winston Churchill and on two occasions with both Churchill and Soviet Premier Joseph Stalin. The Big Three, as they were known, exercised an enormous amount of authority in their personal diplomacy. Stalin was the head of an undemocratic government; Churchill was accountable to the British Parliament; Roosevelt operated largely in secret without consulting the Congress. Important decisions which would shape the world of the future were made during World War II. On military matters, Roosevelt did follow the advice of the Joint Chiefs of Staff, particularly that of General George Marshall. Roosevelt hoped that the establishment of a United Nations would help to preserve world peace; he also hoped that the war-time cooperation of the Allies would continue after the war ended. He remembered that, after World War I, Woodrow Wilson had been unsuccessful in establishing the League of Nations, and that the Senate of the United States had rejected the Treaty of Versailles that ended the war. Learning from the Wilson experience, President Roosevelt carefully courted bipartisan support for America's role in the United Nations.

The agreements that Roosevelt made, particularly at Teheran (1943) and Yalta (1945), were to have lasting implications in the postwar era. Executive agreements made during the war years by Roosevelt added greatly to the President's role as chief diplomat.

In defense of Franklin Roosevelt's use of presidential power as Commander-in-Chief and chief diplomat during World War II, it can be argued that the crises of the times demanded bold leadership. To a large degree, this leadership was supplied by Franklin Roosevelt.<sup>6</sup> On the other hand, Roosevelt's presidency also set dangerous precedents for other Presidents who in less critical times might use the latent powers of the presidency to involve the American people in foreign adventures.

In a sense, Franklin Roosevelt was the last President to exercise vast presidential powers without being subjected to wide congressional and popular criticism. He played a major and significant role in creating a powerful modern presidency. Whether his successors wisely used the presidential power that Roosevelt



magnified during the Great Depression and World War II is questionable.

One can argue that it is necessary in times of crises in the nation's history for the President to exercise bold and extraordinary powers that should not be available to him in ordinary times. The limits of presidential power are set by Congress, the courts, the press and the people. Franklin Roosevelt had the backing of these forces in most instances. These forces must be vigilant and must provide extraordinary emergency powers to Presidents only when the times demand it. If Presidents assume that extraordinary power is available to them in ordinary times, monarchy may return to America.

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## THE CONSTITUTION

(Continued from page 270)

the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing its inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision, and Control of the Congress.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

### ARTICLE II

SECTION. 1. The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

[The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority,

then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate chuse from them by Ballot the Vice President.]<sup>6</sup>

The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

[In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.]<sup>7</sup>

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be encreased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

SECTION. 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Offices, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

SECTION. 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge neces-

<sup>6</sup> Superseded by the Twelfth Amendment.

<sup>7</sup> Superseded by the Twenty-fifth Amendment.

sary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

SECTION. 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

## Relevant Amendments to the Constitution

### AMENDMENT XII (1804).

The Electors shall meet in their respective states, and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President.—The person having the greatest number of votes as Vice President, shall be the Vice President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

### AMENDMENT XV (1870).

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude—

### AMENDMENT XIX (1920).

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Congress shall have power to enforce this article by appropriate legislation.

### AMENDMENT XX (1933).

SECTION 1. The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

SECTION 2. The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

SECTION 3. If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

SECTION 4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

SECTION 5. Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

SECTION 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.

### AMENDMENT XXII (1951).

SECTION 1. No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

SECTION 2. This Article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

### AMENDMENT XXIV (1964).

SECTION 1. The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

SECTION 2. The Congress shall have the power to enforce this article by appropriate legislation.

#### AMENDMENT XXV (1967).

SECTION 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

SECTION 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take the office upon confirmation by a majority vote of both houses of Congress.

SECTION 3. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

SECTION 4. Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-third vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

#### AMENDMENT XXVI (1971).

SECTION 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

SECTION 2. The Congress shall have power to enforce this article by appropriate legislation.

### BOOK REVIEWS

(Continued from page 268)

be, not the way they are often portrayed and envisioned. . . ." O.E.S.

**CHOOSING OUR KING.** By MICHAEL NOVAK. (New York: The Macmillan Co., 1974. 324 pages, selected bibliography and index, \$7.95.)

Michael Novak has written about the American presidency as it really operates among "and is

perceived in the different world in which Americans live." He believes that "the presidency is the nation's most central religious symbol, and that American civilization is best understood as a set of secular religious systems." He feels that Americans expect a degree of honesty from our leaders that people of other lands do not expect; our Presidents are authentic folk heroes, and when their shining symbolism is revealed as only a surface film, covering up serious faults, they fall from popular grace.

Novak maintains that the American people elect as President a man who is priest, prophet and king; the office of "President is not clearly bounded. In the absence of clarity, he can do what he can get away with doing." When a President has established his right to the symbolic powers of the office—his "mandate"—as Richard Nixon successfully did in 1972, the entire scope of his powers becomes much greater; "when the king is riding a crest of approbation he is in greatest peril. When he violates the public symbols, as a Nixon permissive to crime in White House Operations, the blow falls with little mercy." Franklin Roosevelt and Lyndon Johnson also lost the godhead during their administrations.

The author shows how moral symbols have been used by politicians to gain political power, citing numerous examples among present-day candidates and office-holders. He contends that "moralism disguises the power base and real interests of its own constituencies." George McGovern seemed to give many Americans the impression that he was preaching down to them; he was unable to get inside the people. Richard Nixon comforted the restlessness of the people by "repetition of the fragments of the old national faith." According to Novak, the instinct of a President "for ends and means 'characteristically American' remains subject to searching judgment and trampling retribution."

Novak ends this well-written book with suggestions for the reform of the presidency. O.E.S.

### THEY COULD NOT TRUST THE KING.

PHOTOGRAPHS BY STANLEY TRETICK. TEXT BY WILLIAM V. SHANNON. (New York: The Macmillan Co., 1974, paper. 197 pages and photographs, \$4.95.)

The collaborators on this book have produced an interesting and impressive combination of written and photographic journalism. The text, largely unfavorable to President Nixon and his former staff, is handsomely illustrated with photographs of most of the participants in the Watergate affair. William Shannon has given an account of the Watergate story to October, 1973. O.E.S.

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# THE MONTH IN REVIEW

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*A CURRENT HISTORY chronology covering the most important events of April, 1974, to provide a day-by-day summary of world affairs.*

## INTERNATIONAL

### Disarmament

Apr. 16—In Geneva, the 25-member disarmament conference begins its 1974 session. The U.S. and the U.S.S.R. confirm their desire for agreements to outlaw chemical warfare and all nuclear weapons' tests.

### European Economic Community

Apr. 1—At a meeting of the EEC foreign ministers in Luxembourg, British Foreign Secretary James Callaghan declares that certain changes must be made to ease Britain's position, or the question of withdrawal from the Common Market will go before the British people for a popular vote.

### European Security Conference

Apr. 5—The 35-nation conference in Geneva adjourns for 2 weeks.

### International Monetary Crisis

Apr. 3—In France, gold prices soar to \$197 an ounce. In Zurich and in London, gold prices reach \$179.50 an ounce.

### Latin America

Apr. 17—24 Latin American foreign ministers meet in Washington, D.C., with U.S. Secretary of State Henry A. Kissinger. They charge that the U.S. has "retrogressed" from its promise of better trade conditions for Latin American nations made at the hemisphere meeting in Mexico City several weeks ago. They also call for the inclusion of Cuba in any future meetings of the Organization of American States.

### Middle East

(See also *Intl, United Nations*)

Apr. 1—Israeli Defense Minister Moshe Dayan discloses that Soviet merchant ships have unloaded aircraft, presumably the more advanced MIG-23 fighter planes, in Syria.

Apr. 6—Israeli warplanes strike a Syrian force that crossed the cease-fire line in the Golan Heights.

Apr. 11—3 Arab guerrillas storm an Israeli apartment building in Qiryat Shemona, near the Lebanese-Syrian border, killing 18 people, mostly women and

children. The guerrillas die in an explosion after 4 hours of fighting with Israeli soldiers.

Soviet Party Chairman Leonid I. Brezhnev warns visiting Syrian President Hafez al-Assad that the U.S. may be trying to substitute a Syrian-Israeli disengagement agreement for a genuine peace settlement in the Middle East.

Apr. 16—Brezhnev and Assad conclude a 6-day meeting on the Middle East. A joint statement issued in both capitals declares that any disengagement of Syrian and Israeli forces "must be part and parcel of an overall Middle East peace settlement."

Apr. 17—Heavy fighting continues on Mount Hermon as the Syrians and Israelis struggle to gain control of the mountain. The mountain is apparently an important bargaining-card in the negotiations to be held with Secretary of State Henry Kissinger next week.

Apr. 18—U.S. President Richard Nixon and Egyptian Foreign Minister Ismail Fahmy confer in Washington on the prospects for troop separation in the Middle East.

### North Atlantic Treaty Organization (NATO)

Apr. 4—In Brussels, the NATO members celebrate the 25th anniversary of the pact.

### Organization of Petroleum Exporting Countries (OPEC)

Apr. 7—The 12-nation OPEC, meeting in Geneva, agrees to set up a special fund to aid developing nations, but disagrees on the amount of money to be put into the fund. Hence, all contributions will be on a voluntary basis.

### United Nations

Apr. 8—The Security Council votes to continue for another 6 months its U.N. Emergency Force in the Middle East.

Apr. 9—Secretary General Kurt Waldheim addresses the opening of a special General Assembly session on raw materials and development.

Apr. 12—The U.N. Committee on the Definition of Aggression, after debating the matter for 24 years, agrees on a vague 3-page definition of the word "aggression."

Apr. 16—The United Nations Children's Fund



(UNICEF) announces a 3-year, \$22.5-million aid program for North Vietnam and areas held by the Vietcong in the South. \$18 million will be spent in the North to rebuild schools and \$4.5 million in the South.

Apr. 24—A U.N. Security Council resolution condemns Israel for "violation of Lebanon's territorial integrity" and decries "all acts of violence."

## War in Indochina

(See also *Laos*)

Apr. 3—It is disclosed that North Vietnamese troops have captured 3 South Vietnamese militia posts in the Central Highlands.

Apr. 5—Intensive fighting between rebels and government troops at the coastal town of Kampot in Cambodia is reported under way.

## Warsaw Pact

(See also *U.S.S.R.*)

Apr. 17—A top-level 2-day meeting of the 7 Communist member-nations of the Warsaw Pact military alliance begins.

## ALGERIA

(See *U.S., Foreign Policy*)

## ARGENTINA

Apr. 4—The personnel manager of the Fiat Motor Works is shot dead in an ambush.

Apr. 12—Alfred A. Laun, head of the U.S. Information Service branch in Córdoba, is shot and kidnapped from his home; the People's Revolutionary Army claims responsibility for the kidnapping.

Apr. 14—Laun is found wounded and is hospitalized.

Apr. 29—Informed sources in Buenos Aires report that American Exxon official Victor E. Samuelson, kidnapped December 6 by Marxist guerrillas, has been freed; Exxon paid \$14.2 million in ransom on March 11.

## AUSTRALIA

Apr. 10—Prime Minister Gough Whitlam announces that new elections for both houses of Parliament will be held, reportedly next month. Whitlam's Labor party government, elected in December, 1972, has served a little less than half of its 3-year term.

## AUSTRIA

Apr. 23—President Franz Jonas dies.

## BANGLADESH

(See *India*)

## BELGIUM

Apr. 23—The Social Christian and the Liberal parties

agree to try to form a new government to replace the government that collapsed on January 26.

Apr. 25—King Baudouin swears in the new Cabinet, a minority coalition of centrists and conservatives.

## CANADA

(See also *China*)

Apr. 19—Canadian postal service is almost completely halted because of a labor dispute with postal employees that started last week in Montreal.

Apr. 26—Striking postal workers end a two-week walkout and return to their jobs. Negotiations for a pay increase continue.

## CHILE

Apr. 17—57 Air Force officers and 10 civilians go on open trial before a court-martial; they are charged with aiding Marxist parties, sedition, and dereliction of duty in the period before the September military coup that overthrew the regime of the late President Salvador Allende Gossens. The accused will be tried separately and the verdicts and sentences will not be announced until all trials are completed.

Apr. 21—Pedro Vuskovic Bravo, former Minister of Economy and Finance in the government of President Salvador Allende, is allowed to leave his sanctuary in the Mexican Embassy in Santiago to fly to Mexico.

Apr. 24—A declaration is issued by the Roman Catholic Church of Chile accusing the military government of creating a "climate of fear," of causing large-scale unemployment, and of making job dismissals for political reasons.

## CHINA

Apr. 24—The first 300 exit permits are issued for Chinese who wish to emigrate to Canada. The "family reunification" program was agreed on last October by Canadian Prime Minister Pierre Elliott Trudeau and Chinese Premier Chou En-lai. Eventually, 9,000 Chinese are expected to settle in Canada as permanent residents.

## COLOMBIA

Apr. 21—For the first time in more than 20 years, Colombians are voting in a free presidential election.

Apr. 22—Liberal candidate Alfonso Lopez Michelsen wins the presidential election by a very large majority over Alvaro Gómez Hurtado of the Conservative party.

## EGYPT

(See also *Intl, Middle East; Germany; U.S.S.R.; U.S., Legislation*)

Apr. 18—President Anwar Sadat announces that, after

18 years, Egypt will no longer count on the Soviet Union as the sole supplier of armaments for Egypt. President Sadat says he has acted because the Soviet Union failed to act on his requests for arms deliveries in the last 6 months.

Apr. 24—The government claims that President Sadat was the intended victim of an April 17 attack on a military academy by a group of extremists. The prosecutor's office accuses Libyan leader Colonel Muammar el-Qaddafi of conspiring with the extremists.

Apr. 25—President Sadat announces changes in the Cabinet to prepare for reconstruction and development following the October, 1973, war. He retains the office of Premier while abolishing the office of Minister for Libyan affairs.

Apr. 26—Cairo newspapers report that 75 people have been arrested for their part in an alleged plot April 17 against Sadat.

Apr. 28—Government-controlled newspapers and the official Middle East News Agency publish a detailed accusation against Libyan leader Muammar el-Qaddafi for having instigated a plot to overthrow the Sadat government.

### ETHIOPIA

Apr. 1—Anti-government demonstrations continue.

Apr. 3—Paratroopers end their siege of the main air force base at Debre Zeit.

Apr. 7—Rebel forces seize a radio station in eastern Ethiopia and demand the resignation of the deputy chief of staff. The official Ethiopian press agency reports that the deputy chief of staff, Lieutenant General Haile Baikedagne, has resigned.

Apr. 8—Premier Endalkachew Makonnen's Cabinet promises land reforms and other improvements in the living conditions of the people.

Apr. 18—Makonnen announces that his security forces will place Cabinet ministers of the previous government under house arrest.

Apr. 26—Police commandos and members of the army's fourth division stage two separate mutinies in the capital city of Addis Ababa.

### FRANCE

Apr. 2—President Georges Pompidou dies at the age of 62. The president of the Senate, Alain Poher, becomes acting President until an election is held.

Apr. 3—Poher is officially proclaimed acting President.

Apr. 4—The French Cabinet schedules a presidential election for May 5.

Apr. 6—U.S. President Richard M. Nixon, in Paris for the funeral service for Pompidou, confers with 4 European leaders.

### GERMANY, FEDERAL REPUBLIC OF (West)

Apr. 22—Chancellor Willy Brandt, on the 2d day of

a visit to Egypt, proposes that Egypt and West Germany set up a joint commission of Cabinet-level rank to deal with economic, political, and cultural matters. The proposal is accepted by President Anwar Sadat of Egypt.

Apr. 24—Chancellor Brandt's political assistant, Günter Guillaume, is arrested on suspicion of being an East German spy. The opposition party, the Christian Democratic party, is calling for a parliamentary debate on "the security scandal."

Apr. 25—An agreement is signed with the U.S. in which the German government will provide \$2.218 billion to offset the cost to the U.S. of maintaining troops in Germany, from July, 1973, to July, 1975.

Apr. 26—In an address to the lower house of Parliament, Chancellor Brandt says that he knew Guillaume was a suspected Communist spy and that he kept him on the staff to help German security break up an espionage ring.

### INDIA

Apr. 4—*The New York Times* reports that the Indian government has asked the U.S. to resume aid because of shortages and a weak Indian economy.

Apr. 9—The foreign ministers of India, Pakistan, and Bangladesh sign an agreement for the repatriation of 195 Pakistani prisoners of war. The agreement, a major breakthrough, will clear the path for restoring normal relations among the 3 countries.

### IRAQ

Apr. 12—The Iraqi Air Force bombs Kurdish ground forces near Kirkuk, in an escalation of the conflict between the government and the Kurdish rebels.

Apr. 18—A Kurdish rebel radio broadcast reports that 11 Kurdish towns were destroyed by Iraqi planes yesterday.

The magazine *Arab World* reports that the Kurds have established a government under an 8-man executive council headed by rebel leader General Mustafa al-Barzani.

Apr. 26—The Soviet press accuses Turkey of aiding Kurdish rebels against the Iraqi government.

### IRELAND, REPUBLIC OF

Apr. 5—At a meeting in London, British Prime Minister Harold Wilson and Irish Prime Minister Liam Cosgrave decide to move to establish the Council of Ireland, which was provided for in the Sunningdale agreement of December, 1973. The Council, with limited functions, will represent Northern Ireland and the Irish Republic.

### ISRAEL

(See also *Intl. Middle East; U.S., Legislation*)

Apr. 2—Lieutenant General David Elazar, chief of staff, resigns; an official commission investigating

Israeli setbacks at the beginning of the Yom Kippur war in October, 1973, has recommended the removal of Elazar and other senior army officials. The commission, in an interim report, has declared that Premier Golda Meir and Defense Minister Moshe Dayan were not at fault for Israel's lack of preparedness.

Apr. 10—At a closed session of her Labor party, Premier Golda Meir announces that she is resigning because of intra-party conflict over where to place political responsibility for Israel's lack of preparedness at the start of the war in October, 1973.

Apr. 14—Major General Mordecai Gur is chosen by the Cabinet to replace Lieutenant General David Elazar as Israeli Chief of Staff. Elazar was held responsible by a judicial commission for shortcomings in the armed forces which resulted in their unpreparedness for the October war.

Apr. 23—President Ephraim Katzir asks Yitzhak Rabin to try to form a coalition Cabinet. Yesterday Rabin, former Ambassador to the U.S. and commander of the Israeli army in the 1967 war, was nominated for the premiership by the ruling Labor party's 614-member Central Committee.

## ITALY

Apr. 17—Parliament approves a measure providing government subsidies of \$75 million a year to be divided among Italy's 8 major parties.

Apr. 23—In a 24-hour strike for higher pay, farm workers stay away from work; thousands of small holders and sharecroppers demonstrate to ask the administration for aid to agriculture.

Apr. 30—Severe restrictions are imposed on all imports of manufactured goods.

## JAPAN

(See also *U.S., Foreign Policy*)

Apr. 13—A 3-day nation-wide strike of transport workers ends. The private railway workers' union accepts a 31.4-percent monthly pay increase. The publicly owned railroad workers' union accepts a pay increase of 29.3 percent. The workers' increase brings their incomes into line with the 26-percent annual increase in consumer prices.

## JORDAN

(See *U.S., Legislation*)

## LAOS

Apr. 3—Laotian Premier Prince Souvanna Phouma announces that a coalition government will be presented to King Savang Vatthana shortly; earlier he met with his half-brother, Prince Souphanouvong (head of the pro-Communist Pathet Lao), who returned to Vientiane from North Vietnam today after a 10-year absence.

Apr. 5—A decree dissolving the present government and establishing a coalition of neutralists, rightists and the Pathet Lao is signed by King Savang Vatthana. The King names Phouma to head the new coalition, and formally installs Prince Souphanouvong as president of an advisory body, the National Political Council. The Cabinet will be composed of 5 ministers from among Phouma's supporters, 5 from the Pathet Lao, and 2 ministers agreeable to the 2 sides. The Political Council is composed of 16 delegates from the Pathet Lao, 16 from the former Vientiane government under Phouma, and 10 delegates upon whom both sides agree.

Apr. 6—Premier Phouma and his new Cabinet take a formal oath of allegiance.

## LIBYA

(See also *Egypt*)

Apr. 6—The official Egyptian press agency reports that Colonel Muammar el-Qaddafi has been relieved of his "political, administrative, and traditional duties." He will remain as Commander in Chief of the armed forces. The 11-man Revolutionary Council, the military junta, made the decision.

Apr. 14—It is reported in Beirut that in an interview with Lebanon's leading daily newspaper, Premier Abdel Salam Jalloud has denied reports that Colonel Muammar el-Qaddafi has lost power; Qaddafi remains chairman of the Revolutionary Command Council and Commander in Chief of the armed forces; he has relinquished some ceremonial duties.

Apr. 16—Libya signs agreements with Exxon and the Mobil Oil Corporation providing for joint participation in accordance with a nationalization law issued September 1, 1973.

## NIGER

Apr. 15—The Niamey radio announces the overthrow of the government of President Hamani Diori; Lieutenant Colonel Seyni Kountie, chief of staff of the armed forces, is identified as leader of the coup.

Apr. 17—The Niamey radio announces that Kountie is Chief of State in a 12-officer military government; the fate of the deposed President and his family is not announced.

## PAKISTAN

(See *India*)

## PERU

Apr. 16—An Interior Ministry communiqué discloses that Latin, a sister agency of Reuters in Latin America, has been ordered to stop operating in Peru.

## PORTUGAL

(See also *Portuguese Territories*)

Apr. 25—The government of Premier Marcello Caetano, successor to the late António de Oliveira Salazar, surrenders to a group of army officers who call themselves the Movement of the Armed Forces, led by the officers dismissed last week for criticizing anti-guerrilla wars in the Portuguese African colonies.

Apr. 26—General Antonio de Spínola, the head of the 7-man junta, promises that in 3 weeks a provisional government of civilians headed by a military man will be formed. General elections are promised in one year.

Apr. 27—General Spínola asserts that the ruling junta is not prepared to end the wars in the dependent African territories by granting them independence. He says that: "Self-determination should not be confused with independence."

## Portuguese Territories

### ANGOLA

Apr. 27—Governor General Fernando Santos E. Castro of Angola is suspended from office by the Portuguese army.

## SAUDI ARABIA

Apr. 5—In a joint announcement, the U.S. and Saudi Arabia reveal that they have agreed to increase economic cooperation and to negotiate purchases of U.S. weapons for Saudi Arabian defense purposes.

## SOUTH AFRICA

Apr. 25—The results of yesterday's election show Prime Minister John Vorster and the Nationalist party winning for the 26th year. The Nationalist party took 122 seats, an increase of 50; the United party lost 5 seats, giving it 41; the Progressive party gained 5 seats, giving it 6.

## SYRIA

(See *Intl, Middle East*)

## TURKEY

(See *Iraq*)

## U.S.S.R.

(See also *Intl, Disarmament, Middle East, Warsaw Pact; Iraq; U.S., Foreign Policy*)

Apr. 16—Premier Aleksei N. Kosygin and party chief Leonid I. Brezhnev arrive in Warsaw for Warsaw Pact meetings.

Apr. 21—The Communist party newspaper *Pravda*

expresses the annoyance of Soviet leaders with Egypt over American participation in the clearing of the Suez Canal. American helicopters are using British bases on Cyprus.

## UNITED KINGDOM

(See also *Intl, EEC; Ireland*)

### Great Britain

Apr. 9—Appearing before the House of Commons, Prime Minister Harold Wilson denies any wrongdoing on his part or that of his personal secretary and her immediate family in the current political scandal over property deals. The Labour government is especially vulnerable to charges of land speculation since one of its main planks in the recent election was a strong position against "property speculators" and "tax havens."

Apr. 19—A government report indicates that retail prices continued to rise sharply in the period from mid-February to mid-March. The trade deficit also continued to increase. This is the first report on the economy since the Labour party took over.

## UNITED STATES

### Administration

Apr. 3—President Richard Nixon announces that he will pay an Internal Revenue Service assessment of \$432,787.13 in back taxes plus interest. The IRS and Congress's Joint Committee on Internal Revenue Taxation have said that the President owed over \$400,000 in back taxes on his personal income during his first 4 years in the White House. The IRS estimate on back taxes due (delivered yesterday to the White House) is \$432,787.13. The Joint Committee's estimate, disclosed today, is \$444,022. A White House statement declares that the IRS has ruled that there is no question of fraud on the President's part. The White House statement also says that the President's decision not to appeal the IRS ruling is based on an earlier promise to be bound by the result of the Joint Committee's investigation. A \$576,000 tax deduction based on the gift of President Nixon's vice-presidential papers to the National Archives has been disallowed. Taxes must also be paid on capital gains in two real estate transactions.

Apr. 12—The California franchise tax board determines that President and Mrs. Nixon owe \$4,302 for 1969 and 1970 on that part of their income earned in California.

Apr. 15—The National Center for Health Statistics reports that in 1973 U.S. birth and fertility rates dropped to an all-time low; if the current trend continues, the U.S. will reach zero population growth in the first half of the 21st century.



Apr. 17—President Nixon nominates William E. Simon to be Secretary of the Treasury, succeeding George P. Shultz. The President names John C. Sawhill, Simon's deputy director, to replace Simon as administrator of the Federal Energy Office. Deputy White House Secretary Gerald Warren says that the President will take Shultz's post as chairman of the Council on Economic Policy.

## Economy

Apr. 1—The government lifts price and wage controls on about 165 categories of goods and services, just before the expiration of the Economic Stabilization Act on April 30.

Apr. 4—The Department of Labor reports a rise of 1.3 percent in the wholesale price index in March after adjustment for normal seasonal changes.

Apr. 5—The Labor Department reports that unemployment dropped in March from 5.2 percent to 5.1 percent of the labor force.

Apr. 8—In New York City, the Bankers Trust Company raises its prime rate from 9½ percent to 10 percent.

Apr. 15—The North Carolina National Bank, largest in the state, formally announces a rise in its prime rate to 10.25 percent. The First National Bank of Chicago raises its interest charge to 10.10 percent effective tomorrow. This is the first time the prime lending rate has risen over 10 percent.

The Cost of Living Council lifts all wage and price controls from food retailers and wholesalers.

Apr. 18—3 of the nation's 20 largest banks raise their prime interest rate to 10¼ percent; this is the 7th rate increase since March 15.

The Department of Commerce reports that the Gross National Product declined 5.8 percent in the first quarter of 1974; this is the largest decline since the recession of 1958.

Apr. 19—The Department of Labor reports that the Consumer Price Index rose 1.1 percent in March; in the first quarter of 1974 consumer prices have risen at an annual rate of 14.5 percent.

Apr. 24—The Federal Reserve Board raises its discount rate from 7½ percent to 8 percent.

Apr. 26—New York's Franklin National Bank raises its prime lending rate to 11 percent, a ½ percent increase.

## Foreign Policy

(See also *Intl, Disarmament, Middle East; France; Saudi Arabia; U.S., Legislation*)

Apr. 7—After conferring in Paris with Soviet President Nikolai V. Podgorny and Japanese Premier Kakuei Tanaka, President Nixon returns to Washington.

Apr. 11—Algerian President Houari Boumedienne

meets with President Nixon in Washington, D.C. Discussions cover the changing economic relations between the have and have-not countries.

Apr. 23—State Department spokesman John F. King says that the administration is "very pleased over the close rapport" established with Egypt; it is announced that the administration plans to ask Congress for some \$250 million in economic aid to Egypt in the coming fiscal year.

Apr. 28—Secretary of State Kissinger meets with Soviet Foreign Minister Andrei A. Gromyko in Geneva to seek Soviet help in obtaining an Israeli-Syrian accord in the Middle East.

Apr. 29—Kissinger and Gromyko announce that the U.S. and the Soviet Union will cooperate to try to achieve a troop separation agreement on the Syrian-Israeli front.

## Government

Apr. 1—The Justice Department, acting under a federal district court ruling made some 3 months ago, announces that state legislative districts in Manhattan and Brooklyn (boroughs of New York City) and 1 congressional district in Brooklyn violate the Voting Rights Act of 1970. The districts must be redrawn to eliminate racial discrimination before elections can be held.

Apr. 20—Voting 357,307 to 261,123, Louisiana voters accept a new state constitution which reduces the property tax by approximately one-third, eliminating homes valued at less than \$50,000 from the tax base. Under the new constitution, home rule for cities will be possible.

## Labor and Industry

Apr. 11—The past president of the United Mine Workers of America, W. A. Tony Boyle, is found guilty of 3 charges of first degree murder in ordering the assassination of a union election rival, Joseph A. Yablonski, on December 30–31, 1969.

Apr. 12—More than 3 months before the old wage contract expires, the United Steelworkers of America sign a new 3-year wage agreement. The agreement provides for an increase in pay, cost of living allowances, pensions, and other benefits. Hourly wages are increased by 60.9 cents, an increase of more than 10 percent, over the 3-year period.

Apr. 25—The Labor Department's Bureau of Labor Statistics announces that the output per worker-hour declined by 5.5 percent in the first quarter of this year. This is the largest decline since productivity statistics were first compiled in 1947.

## Legislation

Apr. 4—The House of Representatives votes 177 to 154 against a \$474-million increase in military aid

to South Vietnam for the fiscal year ending June 30 that was requested by the administration. Because of overspending in the first part of the year, the Defense Department says it has almost no money left for aid to South Vietnam in the remaining 3 months of the current fiscal year.

Apr. 8—President Nixon signs a bill to increase the minimum wage from \$1.60 an hour to \$2.00 an hour next month; to \$2.10 an hour on January 1, 1975; and to \$2.30 an hour on January 1, 1976. (See *U.S., Legislation*, in *Current History*, May, 1974, p. 239.)

Apr. 11—The Senate votes 53 to 32 to pass a campaign reform bill, after 51 roll calls and 13 days of debate. The bill, which provides for financing political campaigns out of taxpayers' money instead of by large private contributions, goes to the House. The President has already indicated his opposition to the use of public funds for political campaigns as a "raid on the public treasury."

Apr. 16—*The New York Times* reports that a Senate committee has been advised by the Defense Department that it has \$266 million in funds for military aid to South Vietnam and will aid the Saigon government despite the refusal of Congress to raise the ceiling for military aid to South Vietnam. The money, appropriated by Congress for fiscal 1972-1973, was overlooked because of an accounting error but is available for use this year.

Apr. 24—In a special message to Congress, President Nixon asks for an authorization of \$5.18 billion in foreign economic and military aid for the fiscal year beginning July 1. A breakdown of the proposal shows \$900 million for the Middle East—\$350 million for Israel, \$250 million for Egypt, \$207.5 million for Jordan, and a \$100-million contingency fund.

## Political Scandal

(See also *U.S., Administration*)

Apr. 3—Lieutenant Governor Ed Reinecke (R., Calif.) is indicted by a Watergate grand jury on 3 counts of lying to the Senate Judiciary Committee.

Apr. 5—President Nixon's former appointments secretary, Dwight L. Chapin, is found guilty of lying to a Watergate grand jury about his relationship with Donald H. Segretti, who was convicted of playing dirty political tricks on Democratic presidential candidates. In U.S. district court in Washington, D.C., Judge Gerhard A. Gesell states that sentencing will take place on May 16.

Apr. 9—In a letter, James D. St. Clair, President Nixon's defense lawyer, tells the House Judiciary Committee the White House needs more time to decide on its response to the committee's request for 42 more presidential tapes. The committee has tried to obtain the tapes since February 25.

Apr. 10—*The New York Times* reports that Donald C. Alexander, U.S. Commissioner of Internal Revenue, at a meeting with Watergate Special Prosecutor Leon Jaworski, has asked Jaworski to initiate an investigation into a possible criminal conspiracy with regard to President Nixon's claim of a \$576,000 tax deduction for the gift of his vice presidential papers.

Apr. 11—In a 33- to 3-vote, the House Judiciary Committee subpoenas President Nixon to produce all tapes and other materials requested by the committee. April 25 is the deadline for compliance. This is the first time a President has been subpoenaed by a committee of the House of Representatives.

The federal income tax returns of two of President Nixon's closest friends, Robert H. Abplanalp and Charles G. Rebozo, are subpoenaed by Leon Jaworski.

A former presidential reelection campaign aide, Herbert L. Porter, is sentenced to a 15-month prison term for lying to the Federal Bureau of Investigation in its Watergate investigation. A federal district court judge gives him a suspended sentence of 30 days.

Apr. 18—A subpoena delivered to the White House orders the President to surrender tape recordings and other material related to 64 White House conversations pertaining to the Watergate cover-up; the subpoena is issued on the order of U.S. District Judge John J. Sirica at Jaworski's request.

Apr. 23—"Well-placed sources" reveal that the Internal Revenue Service will give the Senate Watergate committee tax returns and other sensitive materials from its files on the President's friend, Charles G. Rebozo, and the President's brother, F. Donald Nixon.

Apr. 25—The House Judiciary Committee prepares a written request asking President Nixon to account for the \$484,000 deduction for his gift of his vice presidential papers to the National Archives. The committee also sets aside a number of allegations.

Apr. 28—John N. Mitchell, former U.S. Attorney General, and Maurice Stans, former U.S. Secretary of Commerce, are acquitted by a federal district court jury in New York of all charges of conspiracy, obstruction of justice, and perjury in connection with financier Robert Vesco's contribution to the 1972 Republican presidential campaign.

Apr. 29—Addressing the nation on television, the President declares he will give partial transcripts of Watergate tapes subpoenaed April 11 to the House Judiciary Committee and will make the transcripts public; two members of the House committee will be allowed to listen to the tapes and verify their authenticity.

Apr. 30—In answer to an April 11 subpoena, the

House Judiciary Committee receives 1,308 pages of edited transcripts of the President's conversations relating to Watergate, rather than the actual tapes, which are due today under an extended subpoena deadline. The edited transcripts are released for publication.

The White House issues a 50-page statement declaring that the President was never involved in a criminal attempt to cover up the Watergate scandal.

St. Clair announces that he will move to quash the April 18 subpoena served by Jaworski, which demanded specific tapes and documents by May 2.

## Political Terrorism

Apr. 3—In a taped message delivered to a Berkeley, California, radio station, the daughter of publisher Randolph A. Hearst, Patricia Hearst (kidnapped February 4 by the Symbionese Liberation Army), declares that she has chosen to remain with the SLA and to fight for "the freedom of oppressed people." Reportedly, she is now free to leave if she so chooses, according to a taped speech by "General Field Marshal" Cinque of the SLA.

Apr. 17—Attorney General William B. Saxbe declares that in his personal view Patricia Hearst's participation in a San Francisco bank robbery April 5 made her a "criminal"; he doubts that she was coerced into taking part in the robbery.

Apr. 24—The Symbionese Liberation Army delivers a tape to San Francisco police headquarters in which Patricia Hearst describes herself as a willing participant in a bank robbery April 5.

## Politics

Apr. 10—President Nixon flies to Michigan, where he campaigns for James M. Sparling, Jr., a Republican running for Congress in a special election in the 8th Congressional District.

Apr. 16—Democrat J. Bob Traxler defeats Republican nominee James M. Sparling, Jr., by a margin of 3,000 votes in an election for a House seat in Michigan's 8th Congressional District. Republican defeat, after 40 years of uninterrupted victory in the district, is viewed as an indication of President Nixon's political weakness.

## Supreme Court

Apr. 1—By a vote of 6 to 3, the Supreme Court upholds the constitutionality of the Bank Secrecy Act that requires banks to keep records and to report certain domestic and foreign transactions to the Secretary of the Treasury.

In a 7-to-2 decision, the Supreme Court votes to uphold a zoning law (for a village on Long Island, N.Y.) that prohibits all housing except for one-family homes and forbids more than 2 people, not

related by blood or marriage, from residing in them. It prohibits 3 or more unrelated tenants, who may or may not have formed a commune, from living together.

Apr. 15—The Court refuses to review a U.S. court of appeals ruling in N.Y. that upheld the President's right to order the bombing of Cambodia without congressional approval; the Court's ruling is unanimous.

Apr. 16—The Supreme Court rules that a federal agency may discharge a civil service worker without a hearing: in a divided decision, the Court rules that a Chicago field worker for the Office of Economic Opportunity could be fired without a hearing because his charges of bribery against his superiors did not contribute to the "efficiency of the service."

Apr. 17—Reversing 2 lower court decisions, the Supreme Court rules that the parents of 3 Kent State University students killed by National Guardsmen during a protest rally on the campus in 1970 may sue the former governor of Ohio and Guard officers.

Apr. 23—In an unsigned 5-4 opinion, the Court refuses to rule on whether a professional school can constitutionally give preference in admission to members of racial minorities at the expense of white applicants. The Court rules that there is no live issue at stake since the student who originally brought the action against the University of Washington, Marco Defunis, was admitted to that school and will graduate from there in June.

Apr. 29—The Supreme Court agrees to review 2 lower court decisions on the impounding of funds; the decisions required the Environmental Protection Agency to distribute \$6 billion appropriated by Congress to fight water pollution but impounded by President Nixon in 1972. A dozen similar cases dealing with impoundment are pending.

## VIETNAM, DEMOCRATIC REPUBLIC OF (North)

(See *Intl. U.N.; Yugoslavia*)

## VIETNAM, REPUBLIC OF (South)

(See also *Intl. U.N., War in Indochina*)

Apr. 2—President Nguyen Van Thieu criticizes North Vietnam's government; he calls for a halt to all fighting and a return to the 1973 cease-fire lines.

Apr. 16—Foreign Minister Vuong Van Bac announces that the government is suspending the Paris talks with the Vietcong.

## YUGOSLAVIA

Apr. 5—Premier Pham Van Dong of North Vietnam arrives in Belgrade for talks with Yugoslav leaders.

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PRESIDENT	TERM	POLITICAL PARTY	RUNNER-UP	VICE PRESIDENT
1. George Washington	1789–1797	Federalist	—	John Adams
2. John Adams	1797–1801	Federalist	Thomas Jefferson	Thomas Jefferson
3. Thomas Jefferson	1801–1809	Democratic-Republican	Aaron Burr	Aaron Burr
4. James Madison	1809–1817	Democratic-Republican	Charles C. Pickney	George Clinton
5. James Monroe	1817–1825	Democratic-Republican	Charles C. Pickney	George Clinton
6. John Quincy Adams	1825–1829	Democratic-Republican	De Witt Clinton	Elbridge Gerry
7. Andrew Jackson	1829–1837	Democrat	Rufus King	Daniel D. Tompkins
8. Martin Van Buren	1837–1841	Democrat	—	Daniel D. Tompkins
9. William H. Harrison	1841	Whig	Andrew Jackson	John C. Calhoun
10. John Tyler	1841–1845	Whig	John Quincy Adams	John C. Calhoun
11. James K. Polk	1845–1849	Democrat	Henry Clay	Martin Van Buren
12. Zachary Taylor	1849–1850	Whig	—	Richard M. Johnson
13. Millard Fillmore	1850–1853	Whig	Lewis Cass	John Tyler
14. Franklin Pierce	1853–1857	Democrat	—	George M. Dallas
15. James Buchanan	1857–1861	Democrat	Winfield Scott	Millard Fillmore
16. Abraham Lincoln	1861–1865	Republican	John C. Frémont	—
17. Andrew Johnson	1865–1869	National Union	Stephen A. Douglas	William R. King
18. Ulysses S. Grant	1869–1877	Republican	George B. McClellan	John C. Breckinridge
19. Rutherford B. Hayes	1877–1881	Republican	—	Hannibal Hamlin
20. James A. Garfield	1881	Republican	Horatio Seymour	Andrew Johnson
21. Chester A. Arthur	1881–1885	Republican	Horace Greeley	Schuyler Colfax
22. Grover Cleveland	1885–1889	Democrat	Samuel J. Tilden	Henry Wilson
23. Benjamin Harrison	1889–1893	Republican	Winfield S. Hancock	William A. Wheeler
24. Grover Cleveland	1893–1897	Democrat	—	Chester A. Arthur
25. William McKinley	1897–1901	Republican	James G. Blaine	—
26. Theodore Roosevelt	1901–1909	Republican	Grover Cleveland	Thomas A. Hendricks
27. William H. Taft	1909–1913	Republican	Benjamin Harrison	Levi P. Morton
28. Woodrow Wilson	1913–1921	Democrat	William J. Bryan	Adlai E. Stevenson
29. Warren G. Harding	1921–1923	Republican	William J. Bryan	Garret A. Hobart
30. Calvin Coolidge	1923–1929	Republican	Alton B. Parker	Theodore Roosevelt
31. Herbert C. Hoover	1929–1933	Republican	William J. Bryan	Charles W. Fairbanks
32. Franklin D. Roosevelt	1933–1945	Democrat	Theodore Roosevelt	James S. Sherman
33. Harry S Truman	1945–1953	Democrat	Charles E. Hughes	Thomas R. Marshall
34. Dwight D. Eisenhower	1953–1961	Republican	James M. Cox	Thomas R. Marshall
35. John F. Kennedy	1961–1963	Democrat	John W. Davis	Calvin Coolidge
36. Lyndon B. Johnson	1963–1969	Democrat	Alfred E. Smith	Charles G. Dawes
37. Richard M. Nixon	1969–	Republican	Herbert Hoover	Charles Curtis
			Alfred M. Landon	John N. Garner
			Wendell L. Willkie	John N. Garner
			Thomas E. Dewey	Henry A. Wallace
			Thomas E. Dewey	Harry S. Truman
			Adlai E. Stevenson	Alben W. Barkley
			Richard M. Nixon	Richard M. Nixon
			Barry M. Goldwater	Lyndon B. Johnson
			Hubert H. Humphrey	Hubert H. Humphrey
			George S. McGovern	Spiro T. Agnew
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